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An Act to Amend the Education Law, the New York City Charter and the New York City Administrative Code, in Relation to Establishing a Community School System....

New York State Senate, Albany.

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This is the complete text of a 1968 Act of the New York State Legislature establishing a community school system in New York City. The state education law was amended by the addition of Article 52-A which authorizes this decentralization plan. (NH)

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STATE OF NEW YORK

4512

IN SENATE

February 27, 1968

Introduced by COMMITTEE ON RULES—read twice and ordered printed, and when printed to be committed to the Committee on City of New York

AN ACT

To amend the education law, the New York city charter and the New York city administrative code, in relation to establishing a community school system in the city of New York and repealing certain provisions of the education law relating to the board of education and educational affairs in such city

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is hereby amended by adding thereto a new article, to be article fifty-two-A, to read as follows:

ARTICLE 52-A

NEW YORK CITY COMMUNITY SCHOOL SYSTEM

Section 2590. Applicability.
2590-a. Definitions.
2590-b. Establishment of central board of education and community boards of education.

Explanation — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

U.S. DEPARTMENT OF HEALTH, EDUCATION
OFFICE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

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2590-hh. Pending actions and proceedings.
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§ 2590. Applicability. Except as otherwise provided in section twenty-five hundred ninety-bb of this chapter, this article shall apply to public education in the city at and below the secondary education level and to the functions, powers and duties of school authorities of the city.

§ 2590-a. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Board of education". The board of education of the city, as established pursuant to sections twenty-five hundred fifty-one, twenty-five hundred fifty-two and twenty-five hundred fifty-three *of this chapter, as in effect prior to July first, nineteen hundred seventy, and pursuant to section twenty-five hundred ninety-g of this chapter.*

2. "Central board". The central board education established pursuant to section twenty-five hundred ninety-g of this chapter.

3. "City". The city of New York.

4. "City charter". The New York city charter.

5. "City superintendent". The superintendent of schools employed by the central board pursuant to sections twenty-five hundred ninety-h and twenty-five hundred ninety-k of this chapter.

6. "Community board". A community board of education established pursuant to sections twenty-five hundred ninety-b and twenty-five hundred ninety-e of this chapter.

7. "Community district". A community school district established pursuant to section twenty-five hundred ninety-c or twenty-five hundred ninety-d of this chapter.

8. "Community superintendent". A community superintendent of schools employed pursuant to sections twenty-five hundred ninety-f and twenty-five hundred ninety-j of this chapter.

9. "Comptroller". The comptroller of the city.

10. "Mayor". The mayor of the city.

11. "Non-pedagogical position". Any position included in the classified service as defined in section forty of the civil service law.

12. "Pedagogical position". (a) Any position, regardless of title, which (1) entails functions or duties causing any incumbent thereof to be a member of the teaching or supervisory staff of the board of education or a community board or the central board *and (2) has been certified to the state civil service commission by the commissioner of education, pursuant to subdivision g of section thirty-five of the civil service law, as a position on the teaching or supervisory staff of a school district; and*

(b) Any other position with any of such boards, the principal functions of which position are teaching or the supervision of teaching in a public school of the city.

13. "Public entity". (a) Any agency or instrumentality of the government of the state or the city, including any community board and the central board;

(b) any public corporation; and

(c) any officer or employee or officers or employees of any such agency, instrumentality or corporation.

14. "Quality incentive fund". The fund established and administered pursuant to the provisions of subdivision six of section twenty-five hundred ninety-p of this chapter.

15. "School system capital project". Any of the following or any combination thereof, where provided for the school system of the city:

(a) The construction of new buildings for uses authorized by this chapter;

(b) the remodeling or enlargement of buildings under the control and management of the central board or a community board;

(c) the furnishing and equipment of buildings referred to in paragraphs a and b of this subdivision fifteen;

(d) the purchase of real property for new sites, additions to present sites, playgrounds or recreation centers and for other educational or social purposes;

(e) Any other physical public betterment or improvement or acquisition of property of a permanent nature authorized by this chapter for the school system; and

(f) preliminary studies or surveys relative to any of the foregoing.

16. "Teachers' retirement board". The board established pursuant to section B20–6.0 of the administrative code of the city.

17. "Tenure". The right of an employee to hold his position during good behavior and during service meeting standards prescribed by or pursuant to law, and not to be removed except for cause in the manner provided by law. Nothing contained in this subdivision shall be construed as including within the meaning of tenure, any right to retain a position which has been abolished in good faith.

18. "Transition commission". The temporary commission on transition established pursuant to section twenty-five hundred ninety-dd of this chapter.

§ 2590-b. Establishment of central board of education and community boards of education. There are hereby established a central board of education and community boards of education, to be constituted as hereinafter provided in this article. The central board and community boards shall be bodies corporate.

§ 2590-c. Creation of community school districts; continuation of city school district of city. 1. Not later than September first, nineteen hundred sixty-eight, the transition commission shall prepare and file with the central board, a proposed districting plan dividing the area within the city into such number of community

school districts as it may deem to be appropriate, in accordance with the standards specified in subdivision three of this section. Before filing such plan, the transition commission shall, to such extent as it may deem appropriate, consult with public officials and public agencies concerned with education and with other interested organizations and persons.

2. (a) Not later than October first, nineteen hundred sixty-eight, the central board shall approve or disapprove such plan. If such board shall approve the plan, it shall take effect upon such approval and shall establish the community districts and the boundaries thereof as therein specified.

(b) If the central board shall disapprove such plan, such board shall, not later than such October first, submit such plan to the commissioner of education for determination of the dispute. Not later than November first, nineteen hundred sixty-eight, the commissioner shall render his determination establishing the community districts and the boundaries thereof.

3. (a) The transition commission, the central board and the commissioner of education, in performing their respective functions as above in this section provided, shall seek to create community districts in such manner as will contribute most effectively to the establishment of a decentralized school system with a maximum potential for strengthening education in the city.

(b) In so acting, such bodies and the commissioner shall take into account relevant factors, including, but not limited to, the following criteria, so far as practicable:

(1) Sense of community among residents of districts;

(2) Community districts in which planning boards function, areas designated as units for anti-poverty programs and health and other service areas;

(3) School feeder patterns;

(4) Reasonable school utilization;

(5) Minimization of school change for individual students resulting from redistricting;

(6) Pupil mobility;

(7) Optimum school and district enrollments, without requirement that districts be equal in student population;

(8) Securing the maximum practicable diversity of student population;

(9) Capital construction; and

'(10) Distribution of facilities under school system jurisdiction.

4. Notwithstanding the establishment of community boards of education and community districts pursuant to the provisions of this article, the city school district of the city is hereby continued, subject to the provisions of this article and the applicable provisions of this chapter. The schools, facilities and matters which the central board conducts or administers pursuant to this chapter shall be deemed to be operated or administered in such district by the central board, functioning as the school authorities of such district. The relationship between the central board and the community boards, and between the city school district of the city and the community districts as components thereof, shall be governed by the provisions of this article and the applicable provisions of this chapter. Nothing contained in this subdivision four shall be *construed as diminishing, impairing or affecting the powers, duties and functions vested in community boards and community districts by the provisions of this article and the applicable provisions of this chapter.*

§ 2590-d. Revision of community districts. 1. after expiration of an initial period of three years next succeeding the establishment of boundaries, under section twenty-five hundred ninety-c of this chapter, the central board:

(a) Upon the petition of a community board desiring a revision in the boundaries of its district, may revise such boundaries; or

(b) Upon motion of the central board pursuant to subdivision three of this section, may revise the boundaries of any community district.

2. No revision pursuant to subdivision one of this section shall be made without prior consultation with the community boards of the districts affected.

3. A revision of the boundaries of a community district may be on the central board's own motion, if it finds such revision necessary to remedy imbalance in school utilization, to improve racial integration, or to improve the educational system of the city.

4. In any such revision, the criteria set forth in subdivision three of section twenty-five hundred ninety-c of this chapter shall, insofar as practicable, be observed. Any redistricting shall be subject to review by and may be reversed or modified by the commissioner of education.

§ 2590-e. Community boards of education. 1. Not later than September first, nineteen hundred sixty-eight, the transition com-

mission shall prepare and submit to the central board, a proposed plan for the composition and method of selection of community boards of education. Such plan shall be uniform in application throughout the city and shall provide for the selection of a community board of education for each community district.

2. Such plan shall be formulated so as to comply with the requirements of subdivision three of this section and so as to provide fair and equitable procedures for selecting for each community district a community board suitably adapted for effective representation of parents and non-parents of the district in the conduct of its educational affairs.

3. Any such plan shall contain the following provisions:

(a) Each community board shall consist of eleven members having terms of office prescribed in the plan, which shall provide for staggering of future appointments.

(b) The parents of children attending each school operated by a community board shall elect delegates who shall be members of a district assembly, consisting of all delegates elected with respect to all such schools in the district. The plan shall provide for the method of determining the number of delegates representing each school in the district assembly. The plan shall prescribe the procedures for the election of delegate members of the district assembly by parents and the terms of office of such delegates.

(c) The district assembly shall elect six members of the community board.

(d) Five members of the community board shall be appointed by the mayor from a panel of names designated and maintained by the central board in a manner to be stated in the plan.

(e) The plan may permit the community board to appoint non-voting members in order to achieve additional breadth of representation or additional expertise.

(f) A vacancy in any community board membership shall be filled in accordance with the method of appointment herein prescribed for the original appointment with respect to such membership.

4. Not later than October first, nineteen hundred sixty-eight, the central board shall approve or disapprove such plan. If such board shall approve such plan, it shall take effect upon such approval.

5. If the central board shall disapprove such plan, such board shall, not later than such October first, submit such plan to the commissioner of education for determination of the dispute. In ruling on such issue, the commissioner shall comply with the standards and requirements set forth in subdivisions two and three of this section. Not later than November first, nineteen hundred sixty-eight, the commissioner shall render his determination prescribing the final contents of such plan and making same effective.

6. The plan becoming effective pursuant to the foregoing provisions of this section shall govern the composition and method of selection of members of community boards, except as otherwise provided in subdivision eight of this section.

7. Not later than April first, nineteen hundred sixty-nine, a community board shall be established for each community district pursuant to the foregoing provisions of this section.

8. Notwithstanding the foregoing provisions of this section, the city may, at any time after March thirty-first, nineteen hundred seventy-two, adopt and amend local laws prescribing other methods of selecting members of a community board; provided that any method so prescribed shall be uniform with respect to all community boards.

9. No person may serve as a member of a community board unless he is a resident of the community district, or the parent of a child attending a public school operated by such board within the district, or a person holding a pedagogical position in such a public school within the district. Notwithstanding any other provision of law to the contrary, a person holding such a pedagogical position may accept designation and serve as such member without thereby forfeiting such position or any other position of public employment lawfully held by such person. No person may simultaneously serve as a member of more than one community board.

10. The annual meeting of each community board shall be held on a date designated by such board, at which time the board shall designate one of its members to be chairman of the board for the ensuing year.

11. Meetings of community boards shall be held at least once each month.

12. Each member of a community board shall be entitled to receive compensation of ten dollars for each meeting of such board attended by such member; provided that such compensation shall not be paid for attendance at meetings in excess of twenty-five per year.

§ 2590-f. Powers and duties of community boards. 1. Subject to the provisions of this chapter, each community board shall have, in addition to any other duties imposed by this chapter, the duties set forth in this subdivision one, as follows:

(a) To perform, in relation to the schools, facilities and matters under its jurisdiction, any duty imposed upon boards of education or trustees of common schools under this chapter or other statutes or the rules of the regents and regulations of the commissioner of education, so far as they may be applicable to the school or other educational affairs of a city and not inconsistent with the provisions of this article and chapter twenty of the city charter;

(b) To have the care, custody, control and safekeeping of all school property within the community district or other property of the city within the district which is used for educational, social or recreational purposes and is not specifically placed by law under the control of some other body or office; and to prescribe rules and regulations for the preservation of such property.

(c) To establish and maintain such free elementary schools, intermediate schools, kindergartens, nursery schools, and, subject to the provisions of section forty-six hundred five of this chapter, schools for adults as it shall deem necessary to meet the needs and demands of the district;

(d) To purchase and furnish such personal property, including textbooks, as may be necessary for the proper and efficient management of the schools and other educational, social and recreational activities and interests under its management and control and to provide such property as the community board may deem appro-

priate to all the children attending the schools under the control of such board;

(e) To authorize the general courses of study which shall be given in the schools; provided, however, that such courses shall comply with standards established by statute and by the commissioner of education and rules of the regents;

(f) To authorize and determine the textbooks to be used in the schools under its jurisdiction;

(g) To retain a community superintendent as provided in section twenty-five hundred ninety-j of this chapter;

(h) To maintain such records and make such reports as shall be determined to be appropriate by the central board or by the commissioner of education; and

(i) To develop and submit to the central board, at such times and in such manner as shall be prescribed by regulations issued by the central board, plans to improve the educational program of the district so that, to the maximum extent feasible, every student attending schools operated by the community board receives the education needed for successful entry into higher levels of education and ultimately into gainful employment.

2. Subject to the provisions of this chapter, each community board shall have, in addition to any other powers conferred by this chapter, the powers set forth in this subdivision two, as follows:

(a) To create, abolish, maintain and consolidate such positions or divisions as, in its judgment, may be necessary for the proper and efficient administration of its work;

(b) Subject to the provisions of section twenty-five hundred ninety-l of this chapter, to appoint, on the recommendation of the community superintendent, such supervisory, administrative, teaching, and other personnel as it shall determine to be necessary for the efficient management or direction of the schools and other educational, social, recreational and business activities; to determine their duties, except as otherwise provided herein; to conduct examinations and inquiries into merit and fitness, pursuant to the provisions of such section, for the purpose of making such appointments;

(c) To lease property required for the purpose of furnishing school accommodations and to prepare and execute leases therefor;

(d) To prescribe such regulations and by-laws as may be necessary to make effectual the provisions of this chapter applicable to a community board and for the conduct of the proceedings of such board and the transaction of its business affairs, for the general management, operation, control, maintenance and discipline of the schools under its jurisdiction, and of all other educational, social or recreational activities and other interests under its charge or direction;

(e) To delegate to the community superintendent or other supervisory personnel in the community district or to the central board or the city superintendent, such of the powers and duties of the community board as it deems appropriate (1) to make effectual the provision of this chapter applicable to a community board and (2) for the general management, operation, control, maintenance and discipline of schools under the jurisdiction of the community

board, and of all other educational, social or recreational activities and other interests under its charge or direction; and the persons to whom such powers are delegated shall exercise such delegated powers in the same manner and with the same force and effect as if such powers were given to such delegees under the provisions of this chapter;

(f) Subject to the provisions of subdivision four of section twenty-five hundred ninety-q of this chapter, to contract with persons, institutions, domestic and foreign governments and agencies thereof, including the city, state and federal governments and their agencies, to further educational purposes within the district;

(g) To cooperate with other community boards and the central board and to carry out programs to implement such cooperation; and

(h) To maintain, within the district, playgrounds, recreation centers, social centers, reading rooms and libraries from such funds as this chapter or other statutes authorize and the state appropriates for such purposes, and from such other funds as may be provided therefor.

3. (a) Each community board shall have power, in its discretion, to conduct and maintain such extra classroom activities, including the operation of cafeterias or restaurant service for pupils and teachers, as such board, from time to time, shall deem proper.

(b) Each community board which engages in such activities shall make rules and regulations for the conduct, operation and maintenance of such activities and for the safeguarding, accounting and audit of all moneys received and derived therefrom. In the

case of any extra classroom activity as it shall deem proper, and notwithstanding the provisions of section twenty-five hundred ninety-t of this chapter, it may direct that the moneys received or derived from the conduct, operation or maintenance of such an activity be deposited with the auditor of the board or officer thereof performing like functions in its behalf, who in such event shall be the treasurer of such activity, the moneys of which are required to be so deposited. In the procurement of articles and services for the conduct, operation and maintenance of a cafeteria or restaurant service, the community board shall be subject to the provisions of section twenty-five hundred ninety-o of this chapter, except that the board need not have duly advertised for estimates in order to contract for such articles or services in an amount not exceeding one thousand dollars. The community board shall also have power to assign any of its officers or employees to perform such duties as it may prescribe in connection with an extra classroom activity and to designate the officers and employees so assigned from whom a bond shall be required for faithful performance of their duties and to fix the sum in which each such bond shall be given.

(c) For the purposes of this subdivision three, a general organization of students of a school conducted under the rules and regulations of the community board or with its approval, and engaged in extra classroom activities other than the operation of a cafeteria or restaurant service shall be known as a student organization. Unless such student organization is required by the community board to deposit with its auditor or other officer performing like functions the moneys received or derived from car-

rying on such activity, such moneys shall be subject to the use and disposition of such student organization under the rules and regulations prescribed by the board.

4. Each community board shall perform such other duties and possess such other powers as may be necessary or proper for the conduct of the affairs placed under its management and control, to execute all powers vested in it, and to promote the best interests of the schools and other activities committed to its care.

5. No community board shall have power to engage in collective bargaining or negotiate with any organization representing any of its employees, or to enter into collective bargaining agreements with any such organization. All collective bargaining functions affecting community boards shall be performed by the central board, as provided in paragraph e of subdivision two of section twenty-five hundred ninety-h of this chapter.

6. (a) Any community board may submit to the central board a proposed plan for operation in whole or in part of any school or schools or other facilities under the jurisdiction of the community board by any public entity or private, non-profit corporation or institution.

(b) Any such plan providing for operation by a public entity shall specify the functions, powers and duties of the community board which the public entity is to perform or exercise. Any such plan providing for operation by any such private corporation or institution shall include a proposed contract prescribing the functions, powers and duties of such corporation or institution in operating or participating in the operation of such school, schools

or other facilities. All plans shall contain appropriate provisions for maintenance of applicable educational standards.

(c) Any such plan providing for delegation of powers or duties to a public entity may provide that such powers or duties shall be exercised or performed by one or more officers or employees appointed by the community board from a panel of nominees designated by one or more parent or parent-teacher organizations or civic or other organizations which are actively engaged in furthering education or civic betterment in the community served by the school, schools or facilities affected by such plan. The plan shall provide fair and equitable procedures for the designation of such nominees by the participating organization or organizations, on the basis of organization membership residing in such community.

(d) Upon approval by the central board of any such plan for operation by a public entity, the community board may delegate to such entity the functions, powers and duties mentioned in the plan. Upon approval by the central board of any such plan for operation by any such private, non-profit corporation or institution, the community board and the private corporation or institution may enter into the contract embodied in such plan.

(e) An approved plan may from time to time be amended by the community board, with the approval of the central board; provided, however, that where a contract has been entered into under a plan, any change or modification in such contract pursuant to a plan amendment shall be subject to the consent of the party contracting with the community board.

§ 2590-g. Central board of education. 1. (a) Subject to the succeeding provisions of this section, members of the board of education of the city on the effective date of this section and any members appointed to fill vacancies in such offices occurring for reasons other than expiration of term, shall continue to serve until the expiration of their respective terms of office.

(b) The five memberships becoming vacant through expiration of term in nineteen hundred sixty-nine, nineteen hundred seventy and nineteen hundred seventy-one shall not be filled and shall terminate upon the respective dates of expiration of such terms; provided that if a vacancy in any such membership shall occur, after the effective date of this section, otherwise than through expiration of term, the mayor may, in his discretion, fill such vacancy for the balance of the unexpired term in accordance with the procedure set forth in subdivision four of this section.

2. Vacancies in the remaining four memberships of the board of education as constituted immediately prior to the effective date of this section, whether occurring by expiration of term or otherwise, shall be filled by the mayor pursuant to subdivision four of this section.

3. (a) During December, nineteen hundred sixty-nine, an assembly composed of all chairmen of the community boards shall meet and shall submit to the mayor the names of fifteen nominees for central board membership. After receiving such nominations, the mayor, on or before the next succeeding first Monday in February, shall appoint as members of the central board five persons chosen by him from such list of nominees.

(b) At least twenty-five days prior to the expiration of the term of any of the five offices of member provided for in this subdivision three or within ten days after the occurrence of a vacancy in any such office otherwise than by expiration of terms, the assembly of chairmen shall meet and submit to the mayor a list of from three to five nominees for each vacancy. Within ten days after submission of such list with respect to any vacancy, the mayor shall appoint one of the nominees on such list to fill such vacancy.

4. (a) Appointments by the mayor under subdivision two of this section shall be made, as hereinafter provided in this subdivision four, from lists of nominees submitted by a commission on appointments, which shall consist of the following persons:

(1) the president of Columbia University;
(2) the chancellor of the City University of New York;
(3) the president of New York University;
(4) the president of the Association of the Bar of the City of New York;
(5) the president of the New York City Central Trades and Labor Council;
(6) the president of Commerce and Industry Association of New York, Inc.;
(7) the president of the Public Education Association;
(8) the president of the United Parents Association of New York City, Inc.;
(9) the president of the League of Women Voters of the City of New York;
(10) the president of the Citizens Union;

(11) the president of the Citizens Budget Commission, Inc.; and

(12) if the mayor shall so elect, not more than four additional officers of other organizations or institutions, such officers to be designated by the mayor with due consideration of the need to reflect the diversity of views and backgrounds of the people of the city.

(b) At least twenty-five days prior to the expiration of the term of office of any member whose successor is to be appointed pursuant to this subdivision, or within ten days after the occurrence of a vacancy in any such membership, the mayor shall request the members of the commission on appointments to convene for the purpose of making nominations. A quorum at any session of such members shall consist of at least two-thirds of the total number of members of the commission.

(c) The president of the Association of the Bar of the City of New York shall be the chairman of the commission and shall, forthwith upon receiving the request of the mayor, give notice to the other members of the time and place of convening. In the event that the president of such Association shall be unable to act, the mayor shall designate one of the other members to convene the commission and to be its chairman.

(d) The commission shall receive and take into consideration in making its nominations, recommendations from representative associations and civic, educational, business, labor and professional groups active or interested in the field of education.

(c) Within fifteen days after the mayor shall have requested a convening of the commission, it shall nominate to the mayor for each vacancy, three to five persons who, in its judgment, are persons of outstanding experience, competence and qualification for service on the central board. Within ten days after receiving such nominations, the mayor shall appoint from among the nominees, one person to fill each vacancy.

5. If the assembly of chairmen or the commission on appointments shall fail to submit its nominations within the applicable period therefore prescribed by subdivision three or four of this section, the mayor may fill a vacancy without regard to the provisions of such subdivisions.

6. (a) Up to and including June thirtieth, nineteen hundred seventy, the board as it may be constituted from time to time pursuant to the preceding provisions of this section shall be deemed to be the board of education and shall be continued as a body corporate for the purposes of all provisions of law, in effect on and prior to such date, applicable (i) to the board of education and its powers, functions and duties and (ii) to the operation and administration of the school system of the city.

(b) On and after the effective date of this section, the board as it may from time to time be constituted pursuant to the preceding subdivisions of this section shall also be the central board and shall be vested with the powers, functions and duties of the central board under this article; provided, however, that prior to July first, nineteen hundred seventy, the central board shall not perform the duties specified in paragraphs a, c, e, f, h, j, k, l, m and o of

subdivision one of section twenty-five hundred ninety-h of this chapter or exercise any power specified in paragraphs c, h, i, m, n and o of subdivision two of such section or in subdivision three of such section.

(c) On July first, nineteen hundred seventy, the board of education and the existence of such board as a corporate body shall terminate, subject to the provisions of sections twenty-five hundred ninety-gg and tweny-five hundred ninety-hh of this chapter. The board, as then and thereafter constituted pursuant to the preceding subdivisions of this section, shall be the central board only. All offices and positions under the board of education are hereby abolished as of July first, nineteen hundred seventy.

7. Except in the case of members appointed for the balance of an unexpired term pursuant to paragraph b of subdivision one and subdivision four of this section, the terms of office of board members appointed pursuant to subdivisions two, three, four and five of this section shall be four years; provided, however, that the mayor, in order to achieve staggered terms, may establish a shorter term for any board membership required to be filled pursuant to subdivision three of this section. Vacancies in any board membership required to be filled pursuant to subdivisions two, three, four and five of this section, where occurring otherwise than through expiration of term, shall be filled for the balance of the unexpired term.

8. After June thirtieth, nineteen hundred seventy, the annual meeting of the central board shall be held on a date designated *by the board, at which time it shall designate one of its members to be president of the board for the ensuing year.*

9. No person may serve both as a member of a community board and as a member of the board of education or the central board.

§ 2590-h. Powers and duties of central board. 1. Subject to the provisions of this chapter, the central board shall have, in addition to any other duties imposed by this chapter, the duties set forth in this subdivision one, as follows:

(a) To perform, in relation to the schools and other facilities which it operates and matters within its jurisdiction, any duty imposed on boards of education or trustees of common schools under this chapter or other statutes or the rules of the regents and regulations of the commissioner of education, so far as they may be applicable to the school or other educational affairs of a city and not inconsistent with the provisions of this article and chapter twenty of the city charter;

(b) To conduct research, by contract or otherwise, concerning educational problems and solutions; to engage in long-term planning on the basis of such research and analysis; to conduct curriculum research and keep the community boards informed concerning such research; to maintain a continuous review of the curricula of community boards and make recommendations to such boards for curriculum improvements;

(c) To establish and maintain, in the city school district of the city, such high schools as the central board deems necessary to meet the needs of the city and such other schools as in the judgment of the central board are necessary to provide for needs of the city

which cannot be met by the community boards; to perform the duties prescribed for the board of education of a school district by or under article eighty-nine of this chapter, in the same manner and to the same extent as if the central board were the board of education of the city school district of the city;

(d) To appoint a city superintendent of schools, pursuant to section twenty-five hundred ninety-k of this chapter;

(e) To perform, with respect to schools and other facilities which it operates, the duties imposed by this article upon community boards with respect to the schools and other facilities under their jurisdiction;

(f) To prepare annually a plan for improving the educational effectiveness of the schools which it operates;

(g) To maintain recruitment programs for school personnel as described in subdivision eight of section twenty-five hundred ninety-l of this chapter, and to assist in the placement of new teachers and, subject to the provisions of subdivision nine of such section twenty-five hundred ninety-l, the transfer of teachers from one community district to another;

(h) To maintain in the city, through such representatives as it may designate, an effective visitation and inspection of all schools and classes maintained in institutions controlled by the department of correction of the city;

(i) To establish reporting procedures and requirements both for schools under its direct control and those under the control of the community boards; to maintain the necessary personnel and equipment for collecting and processing information reported and all

information relating to school system activities, including budget preparation, performance analysis and research; reports and data furnished or prepared pursuant to this subdivision shall be preserved as property of the central board and, except for matter containing confidential information concerning individual pupils or their families, shall at all times be open to public inspection;

(j) To review the education provided in and administration of all schools under its direct control and those under the control of the community boards; to inform community boards of the results of such review; to report to the commissioner of education the results of such review and to recommend appropriate remedial action in case of violation of state educational standards;

(k) To provide, outside the territorial limits of the city but within the state or within an adjoining state, for the education of children resident within the city whenever in its judgment, approved by the commissioner of education, the health, education or welfare of such children makes such provision necessary or desirable; the average daily attendance of such pupils shall be included in the average daily attendance of the district within the city in which such children reside, as certified by the central board to the commissioner;

(l) To provide for the loan of textbooks as required by law to students in other than public schools; the textbooks thus loaned shall be selected from those approved by community boards or the central board for use in schools within their respective jurisdictions;

(m) To require community boards, at such intervals as the central board shall deem appropriate, to test the skill levels of pupils attend-

ing schools under their jurisdiction through use of tests prescribed by the central board; to report the results of such tests to the commissioner of education and the central board; and to make such reports available for inspection by the public;

(n) To prescribe minimum standards for the maintenance of buildings and physical facilities under its jurisdiction and the jurisdiction of the community boards and to require community boards to adhere to such standards;

(o) To encourage interdistrict cooperative arrangements among community boards, to encourage experimentation and innovation by community boards and to encourage racial integration; and to use the quality incentive fund for such purposes, as provided in section twenty-five hundred ninety-p of this chapter; and

(p) To evaluate the educational programs, including the achievement of students and the quality of teaching, of the schools under its control and those under the control of the community boards; to require of such schools the data necessary for such evaluation; to prepare and transmit to community boards and to make available for public inspection, reports showing the results of such evaluation; to provide public access to all information used in such evaluations, except such data and reports as contain confidential information concerning individual pupils or their families.

2. Subject to the provisions of this chapter, the central board shall have, in addition to any other powers conferred by this chapter, the powers set forth in this subdivision two, as follows:

(a) To create, abolish, maintain and consolidate such positions, divisions, boards and bureaus as, in its judgment, may be necessary for the proper and efficient administration of its work;

(b) To appoint on the recommendation of the city superintendent, such supervisory, administrative, teaching and other personnel as it deems necessary for the proper and efficient administration of its work, subject to the provisions of section twenty-five hundred ninety-l of this chapter; to conduct examinations and inquiries into merit and fitness, pursuant to such provisions, for the purpose of making such appointments;

(c) To have, with respect to the schools and facilities which it operates, all of the powers vested in community boards, under section twenty-five hundred ninety-f of this chapter, with respect to schools and facilities which they operate;

(d) To maintain legal services, public information services, necessary civil defense arrangements and other functions applicable citywide and not specifically vested in the community boards under this chapter; provided, however, that nothing contained in this paragraph (d) shall affect or impair the functions, powers and duties of the corporation counsel of the city, under the provisions of the city charter and other laws, as attorney and counsel for the central board and each community board, having charge and conduct of all of their law business.

(e) To act exclusively for itself and all community boards in collective bargaining with all organizations representing personnel employed by the central board and community boards, and to have exclusive power to enter into collective bargaining agreements relating to such personnel;

(f) To establish citywide salary schedules for personnel employed by the central board and community boards, and citywide conditions of employment for such personnel;

(g) To compensate, in its discretion, teachers and other employees in the school system who are not covered by the workmen's compensation law, for loss of personal property and for medical and hospital expenses arising from injuries incurred in actual performance of duty;

(h) To exercise any power granted to a board of education of a school district by or under article eighty-nine of this chapter in the same manner and to the same extent as if the central board were the board of education of the city school district of the city;

(i) To provide by contract for the transportation of children to and from any school or institution of learning whenever in its judgment such transportation is required because of the remoteness of the school from the pupil or for the promotion of the best interests of such children; any such contract may be made for a period not exceeding five years, notwithstanding any provision of the city charter to the contrary or other provision of law inconsistent herewith;

(j) To prescribe such regulations and by-laws as may be necessary to make effectual the provisions of this chapter and for the conduct of the proceedings of the central board, for the transaction of its business affairs, for the general management, operation, control, maintenance and discipline of the schools, and for all other educational, social or recreational activities and other interests under its charge or direction;

(k) To delegate such of its powers and duties as it deems appropriate to make effectual the provisions of this chapter and for the general management, operation and control, maintenance and dis-

cipline of schools and other activities under its charge or direction, to the city superintendent, community boards, or to other supervisory personnel of the central board or a community board, and such delegees shall exercise such delegated powers in the same manner and with the same force and effect as if such powers were given to such delegees under the provisions of this chapter;

(l) To perform such functions as may be delegated to it by community boards or the commissioner of education;

(m) To sell such manufactured articles and other products produced in any school as may not be utilized by the central board or any community board; the proceeds of such sales shall be paid into the city treasury and credited to the general funds of the central board;

(n) To dispose of personal property, including textbooks, used in schools and other facilities operated by the central board or any community board, when such property is no longer required for such use; provided that where such property is used in schools or other facilities operated by a community board, disposition thereof shall not be made by the central board unless such community board agrees thereto; such disposition shall be made in the name of and for the city; all money realized from sales hereunder shall be paid into the city treasury and credited to the general funds of the central board; and

(o) To acquire real property and purchase or construct improvements on purchased or leased property as prescribed by section twenty-five hundred ninety-n of this chapter;

3. To assure maximum utilization of school facilities and minimum racial segregation in such facilities, the central board may reassign pupils, irrespective of district boundaries.

4. (a) In any case where any act or omission or proposed act or omission of a community board:

(1) shall in the judgment of the central board,

(i) Seriously threaten the educational welfare of the community district, or

(ii) constitute a gross abuse of the powers of the community board; or

(2) is illegal, fraudulent or in bad faith; or

(3) violates or would violate state educational standards; the central board may order such community board to desist from action or to take action in such manner and on such terms and conditions as the central board shall deem necessary to correct such situation.

(b) If a community board shall refuse or fail to comply with such an order, the central board may assume and exercise or perform all of the functions, powers and duties of the community board necessary to effectuate the order of the central board. Such refusal or failure shall constitute grounds for removal of any member of a community board who shall participate in a refusal or fail to take all reasonable steps in his power to comply with such an order.

(c) Any order issued under this subdivision four may be appealed to the commissioner of education by a community board as provided in section twenty-five hundred ninety-ee of this chapter.

§ 2590-i. Insurance benefits for employees; credit union deductions. 1. Subject to the provisions of subdivision two of this section, the central board or any community board may, in its discretion, provide under a group insurance policy or policies issued by any insurance company or insurance companies authorized to do business in this state or under a group contract issued by one or more corporations subject to article nine-c of the insurance law, life insurance or accident and health insurance benefits or medical and surgical benefits or hospital service benefits or any two or more of such kinds of benefits to teachers and other persons employed by such board who participate in a plan or plans, as hereinafter provided. The disbursing officer of such board is authorized to deduct from the salary of such participant with his prior consent, in writing, the sums representing the participant's share of the premium or premiums which are payable by such officer to such insurance company or corporation. Such board is authorized to pay from such moneys as are available for the purpose, a share of the cost of such benefit or benefits in such amount as is required to be paid under such group insurance policy or policies or group contract or contracts by the board, as employer. The sum to be paid by the board under such policy or policies or contract or contracts, in the discretion of such board, may be any percentage of the total cost of the benefit or benefits, including the whole thereof.

2. (a) Where any such benefits are provided for in a collective bargaining agreement made by the central board, it shall have power to effectuate a plan for such benefits, as provided in subdivision one of this section, applicable to the persons eligible therefore under *such agreement, whether employed by the central board or community boards.*

(b) For such purpose, the central board may obtain group insurance policies or group contracts, require deductions, if any, from salary with the participant's consent in writing, and require community boards to pay to the central board their proportionate share of the employer cost of such benefits. For the purposes of determining compliance with the requirements of the insurance law as to the issuance of such group policies or group contracts, community boards shall be deemed to be agencies of the central board.

3. In cases where the provisions of paragraph a of subdivision two of this section are not applicable, the central board and one or more community boards may by agreement jointly effectuate a plan for benefits, as provided in subdivision one of this section. The provisions of paragraph b of subdivision two of this section shall apply in the carrying out of any such agreement, provided that the sharing of costs shall be as agreed upon by the participating boards.

4. The central board and any community board may, in its discretion, and with the written consent of any employee of such board, deduct from the salary of such employee such amount as may be agreed to by such employee for payment to any credit union doing business in the state of New York which such employee may designate. Any such written authorization may be withdrawn by such employee at any time.

§ 2590-j. Community superintendents of schools. 1. (a) Each community board shall retain a community superintendent of schools by contract for a term specified in such contract.

(b) He shall have power and it shall be his duty, in conformity with policies determined by the community board:

(1) to administer, manage and direct the operation of all schools in the community district under the jurisdiction of such board and all other educational, social and recreational activities and other interests under such jurisdiction; and

(2) subject to the provisions of this article, to direct, supervise and prescribe the duties and assignments of all personnel employed by such board.

2. No person shall be designated as a community superintendent, unless he possesses or is entitled to a superintendent's certificate under section three thousand three of this chapter.

3. Each community superintendent shall advise his community board on appropriate policies and the community board shall seek his advice before taking action on any proposal.

4. All community superintendents shall convene at least four times each year under the chairmanship of the city superintendent for discussion of the administration of the schools.

§ 2590-k. City superintendent of schools. 1. The city superintendent shall be appointed by the central board for a term of five years, subject to removal by such board for cause, after a hearing. No person shall be appointed to such position unless he possesses or is entitled to a superintendent's certificate under section three thousand three of this chapter.

2. The city superintendent shall have power and it shall be his duty, in conformity with policies determined by the central board:

(a) to administer, manage and direct the operation of all schools

established and maintained by such board pursuant to section twenty-five hundred ninety-h of this chapter; and

(b) subject to the provisions of this article, to direct, supervise and prescribe the duties and assignments of all personnel employed in such schools.

3. He shall have such further powers as may be delegated to him by the central board or by community boards. He shall be responsible to the delegating authority for the exercise of such powers.

4. In addition to the powers vested in him under subdivisions two and three of this section, the city superintendent shall have power, unless such authority is removed or modified by the action of the central board:

(a) to select a headquarters staff;

(b) to collect attendance data;

(c) to provide purchasing, warehousing, transportation and other services requested by the central board or by community boards;

(d) to provide technical advisory services requested by community boards.

5. He shall take appropriate steps to maximize cooperation between the school system and other public and private agencies.

§ 2590-l. Personnel administration. 1. (a) Appointments and promotions by the central board and by the community boards to pedagogical positions shall be made according to merit and fitness to be ascertained, so far as practicable, by examination which, so far as practicable, shall be competitive.

(b) Appointing and promoting authorities shall maintain records of all personnel action. The form of examination or inquiry into merit and fitness employed shall be reasonably related to the ascertainment of qualification for appointment. Appointing authorities shall take reasonable steps to publicize proposed recruitment for positions.

2. No person shall be appointed by the central board or any community board to a pedagogical position, other than city superintendent or community superintendent, unless such person has passed a qualifying examination conducted by the central board or designated by it as suitable for such purpose. Such examination shall be in addition to any other examination which the provisions of this section require with respect to the making of appointments to pedagogical positions. No person shall be appointed to a pedagogical position by any such board unless he has the qualifications prescribed for such position by or under the provisions of article sixty-one of this chapter; provided, however, that the appointing board may prescribe additional or higher qualifications and the commissioner of education may, on request of the central board or any community board, establish alternative state standards of eligibility for teachers and authorize any such board to certify compliance therewith.

3. Appointments by the central board to all positions, whether pedagogical or non-pedagogical, shall be made on the recommendation of the city superintendent. Appointments by a community board to all such positions shall be made on the recommendation of its community superintendent.

4. (a) All persons appointed to pedagogical positions, other than city superintendent and community superintendent, shall serve a probationary period of not less than one year and not to exceed three years, such period to be fixed by the appointing authority; provided, however, that a teacher who has rendered satisfactory service as a regular substitute for a period of two years or as a seasonally licensed per session teacher of swimming in day schools, who has served in that capacity for a period of two years and has been appointed to teach the same subject in day schools on an annual salary, shall serve a probationary period of one year.

(b) The service of a person appointed to any pedagogical position may be discontinued at any time during such probationary period by the appointing authority. Each person who is not to be recommended for appointment to a pedagogical position on tenure shall be so notified by the appointing authority in writing not later than sixty days immediately preceding the expiration of his probationary period.

5. Except as otherwise provided in subdivision seven of this section:

(a) tenure in any position, pedagogical or non-pedagogical, with a community board shall not be attained except upon the recommendation of the community superintendent; and

(b) tenure with the central board in any such position shall not be attained except upon the recommendation of the city superintendent.

6. Appointments and promotions by the central board and community boards to non-pedagogical positions shall be made for a *probationary period as provided in the civil service law and rules. The city civil service commission and the department of personnel of the city shall have jurisdiction to administer such law with respect to such positions in the same manner and to the same extent as in the case of positions in the classified service of the city; provided, however, that removal from such positions, if tenured, shall be governed by the provisions of section twenty-five hundred ninety-m of this chapter. Service of any person appointed or promoted pursuant to the provisions of this subdivision six may be terminated at any time during the probationary period by the board employing such person.*

7. (a) Every person who, on June thirtieth, nineteen hundred seventy, holds a regular pedagogical position with the board of education and every person who on such date holds a permanent non-pedagogical position with such board, and who has tenure in such pedagogical or non-pedagogical position, and who has not been appointed, transferred or assigned to a position with a community board or the central board on or prior to such date, shall be transferred as of July first, nineteen hundred seventy, to the same or a similar or corresponding position with a community board or the central board as hereinafter in this subdivision provided, without further examination or qualification and without diminution of pay or rank. Persons so transferred to supervisory pedagogical positions shall be subject to the provisions of paragraph f of subdivision nine of this section.

(b) Each person who is transferred pursuant to paragraph a of this subdivision seven and who on June thirtieth, nineteen hundred

seventy is employed as a member of the staff of a school or other facility operated by the board of education, shall be transferred to employment with the community board or central board, as the case may be, which undertakes the operation of such school or facility on July first, nineteen hundred seventy. All other persons transferred pursuant to such subdivision a are hereby transferred to employment with the central board. Community boards and the central board shall take such action as may be necessary to effectuate such transfers pursuant to the foregoing provisions of this section.

(c) Nothing contained in paragraphs a and b of this subdivision seven shall be construed as limiting or restricting the power of community boards and the central board to abolish positions, including the positions of persons transferred to any such board pursuant to such paragraphs a and b.

(d) Eligible lists in existence on June thirtieth, nineteen hundred seventy, for appointment or promotion to non-pedagogical positions with the board of education shall, in accordance with the rules and regulations of the civil service commission of the city, be used and certified for appointment or promotion, as the case may be, to vacancies in appropriate positions with community boards and the central board. Examinations in process on such date for any such non-pedagogical positions with the board of education shall be completed by the department of personnel of the city and eligible lists established as a result of such examinations shall be used and certified for appointment or promotion as in the case of the eligible lists hereinabove in this paragraph d mentioned. All

other matters which relate to the administration of the civil service law, rules and regulations with respect to all such transferred persons holding non-pedagogical positions, and which are pending before the civil service commission of the city or the department of personnel on June thirtieth, nineteen hundred seventy, shall be completed by such commission or department thereafter, and for such purposes the employing community board or the central board, as the case may be, shall be deemed the successor to and a continuation of the board of education.

(e) (1) In any case where a person is appointed, transferred or assigned pursuant to the provisions of this article, to a pedagogical or non-pedagogical position as an employee of a community board or the central board, and such person, on the day next preceding the date on which he is so appointed, assigned or transferred, had tenure in the same or a similar position as an employee of the board of education, or had tenure as an employee of such board in a position from which he was transferred or assigned pursuant to paragraph e of subdivision nine of this section, such person on and after the date of such appointment, assignment or transfer, shall continue to have tenure in such position as an employee of the community board or the central board. The tenure rights of any such person shall be governed, on and after such last-mentioned date, by the applicable provisions of this article.

(2) Any tenured person who holds a non-pedagogical position with a community board or the central board and whose tenure is continued pursuant to this paragraph e shall retain his civil service jurisdictional classification and status.

(3) Any person whose tenure is continued under subparagraph one of this paragraph e:

(i) shall not suffer any diminution of pay or rank by reason of an appointment, transfer or assignment therein mentioned;

(ii) shall be entitled to full seniority credit for all purposes, including determination of salary and increments as an employee of a community board or the central board, for service with the board of education rendered prior to such appointment, transfer or assignment, to the same extent as if such service had been service with the employer community or central board; and

(iii) shall retain his earned unused sick leave and vacation credit as an employee of the board of education, but not in excess of the maximum accumulations permitted under the by-laws or regulations of the employer community or central board.

(f) The rights to a continuation of tenure conferred by paragraph (e) of this subdivision seven shall not be construed as limiting or restricting the powers granted community boards and the central board by this article to appoint, reassign or transfer personnel.

(g) For the purpose of satisfying the requirements of this article for attainment of tenure in a pedagogical position with a community board or the central board, prior probationary service which is rendered in the same or a similar or corresponding position with the board of education and which immediately precedes appointment, transfer or assignment to such position with a community board or the central board, shall be credited as probationary service in such last-mentioned position.

8. The central board shall establish a central manpower division. Under criteria established by the commissioner of education, which the central board may supplement with additional requirements, such division shall conduct examinations for pedagogical positions in the school system so as to provide personnel who may be appointed to such positions in compliance with the requirements of paragraph a of subdivision one of this section. The central board and community boards may, but shall not be required to use the services of such division in appointing or promoting personnel to such positions.

9. (a) Any employee holding a pedagogical position with the board of education, a community board or the central board, may be transferred by voluntary board action, as herein prescribed, from such a position with any such board to such a position with any other such board, subject to the provisions of paragraph a of subdivision one of this section, paragraph c of this subdivision nine and the applicable provisions of this article.

(b) Any person holding a non-pedagogical position with the board of education, a community board or the central board may be transferred by voluntary board action, as herein prescribed, from such a position with any such board to such a position with any other such board, subject to the applicable provisions of the civil service law and rules as provided for in subdivision six of this section and subject to the provisions of paragraph c of this subdivision nine.

(c) Except as otherwise provided in paragraph e of this subdivision nine:

(1) No such board shall be required to accept the transfer of a person employed by any other such board; and

(2) No transfer between boards shall be made without the consent of the board from which the transfer is to be made; and

(3) No employee of any such board shall be transferred without his consent to a position with another board.

(d) (1) Any person who is transferred from the central board to a community board, or from a community board to the central board, or from one community board to another, shall have the same tenure rights as he possessed as a member of the board from which he was transferred.

(2) In the event of any transfer, referred to in this paragraph d, of a non-tenured person holding a pedagogical position, probationary service of such person immediately prior to the transfer may be added to probationary service thereafter, for the purpose of satisfying tenure requirements under this article.

(e) Notwithstanding any other provision of this article to the contrary, but subject to the provisions of paragraph a of subdivision one of this section, any person employed by the board of education may, at any time prior to July first, nineteen hundred seventy, be transferred or assigned by the central board, without the consent of such person and without the consent of any other board affected, to positions with any community board or the central board, where the central board deems such transfer or assignment necessary or appropriate for carrying out the purposes of this article. The provisions of this paragraph e shall not apply to the superintendent of schools of the board of education, the members of the board of

examiners established by section twenty-five hundred sixty-nine of this chapter, as in effect prior to July first, nineteen hundred seventy, or the director, chief attendance officer or division supervising attendance officers of the bureau of compulsory education, school census and child welfare established by section twenty-five hundred seventy of this chapter, as in effect prior to such date.

(f) Notwithstanding any other provision of law to the contrary, any person who holds a supervisory pedagogical position with a community board or the central board may, subject to the provisions of paragraph a of subdivision one of this section, be transferred by the employing board, in its discretion and without his consent, to any other or different position of the same rank with the same board, provided such transfer is made at compensation equivalent to that earned in the position from which the transfer is made. A person so transferred shall have in the position to which he is transferred, the same tenure rights and seniority, vacation and sick leave credit as he possessed in the position from which he was transferred; provided, however, that in the event of such a transfer of a non-tenured person, probationary service of such person immediately prior to the transfer may be added to probationary service thereafter for the purpose of satisfying tenure requirements under this article.

10. (a) Employees of a community board or the central board may be reassigned between schools or other facilities or units operated by the same board, whenever it deems such action desirable.

(b) Any person holding a pedagogical position with any such board may be transferred to another such position with the same

board, with his consent, subject to the provisions of paragraph a of subdivision one of this section.

(c) Any person holding a non-pedagogical position with any such board may be transferred to another such position with the same board, with his consent, subject to the applicable provisions of the civil service law and rules, as provided in subdivision six of this section.

(d) Previously acquired tenure shall continue in the event of any transfer referred to in paragraphs b and c of this subdivision ten. In the event of a transfer of a non-tenured person to a pedagogical position hereunder, probationary service of such person immediately prior to the transfer may be added to probationary service thereafter, for the purpose of satisfying tenure requirements under this article.

11. On and after July first, nineteen hundred seventy, teachers appointed in the schools or classes of correction of the city shall be appointed by the commissioner of correction of such city upon the nomination of the city superintendent and shall be licensed by the central board.

12. Any board, whether community or central, may, subject to the approval of the commissioner of education, assign in the schools which it operates, any teacher employed to teach any subject or subjects other than any specific subject for which such teacher is licensed. No such assignment shall be made unless the board taking such action certifies, on the recommendation of its superintendent of schools, that such teacher is competent to teach the assigned subject or subjects. The assignment of a teacher to teach *any such assigned subject shall not operate to change the rank or level of such teacher from that which he or she occupied prior to such assignment.*

13. On and after September first, nineteen hundred seventy, any person who, while an employee of a community board or the central board, shall accept, occupy or retain any other employment or office of emolument with any such board, or who shall occupy or accept any other employment or office connected with the state or any civil division or agency thereof, except to give literacy tests and issue literacy certificates to voters under the rules and regulations of the board of regents, pursuant to the provisions of the election law, shall be deemed thereby to have vacated his original employment or office with such board; except that the central board, upon the recommendation of the city superintendent, may determine in writing that it is for the best interests of the school system that such person be permitted to occupy such other employment or office for a period or periods which shall not exceed one school year in the aggregate whenever a suitable and qualified person cannot be found for such other employment or office and except that the central board, upon the recommendation of the city superintendent, may assign any person for a period not to exceed sixty days in the aggregate in any one school year to assist a community board or the central board in the preparation and conduct of examinations. The central board, upon like recommendation, may permit and regulate the holding of two positions by the same person, in neither of which positions the person so employed serves on an annual salary nor must become a member *of the retirement system created by, or pursuant to, the laws of this state.*

14. Any board, whether community or central, may, for the schools which it operates, employ replacement teachers to serve in positions which have been temporarily vacated by teachers absent on leave. Such positions of replacement teachers shall be in all respects permanent positions in the school system and persons duly appointed to such positions shall be entitled to the rights of tenure and retirement accruing to persons serving in other permanent teaching positions. When a replacement teacher with tenure is displaced by the return of the absent teacher, he shall be given priority in filling other vacated or newly created teaching positions within the schools under the control of the appointing board. The method of implementing this priority shall be determined and made public by each board.

15. The central board and each community board may require any of its employees to submit to a medical examination by a physician or physicians designated by the employer board, to determine fitness for duty. The person required to submit to such medical examination shall be entitled to be accompanied by a physician or other person of his own choice.

16. Community boards may, in schools which they operate, create positions as teacher-trainer and teacher-trainees. Such positions may be filled by persons designated by a community board, on the recommendation of the community superintendent, as qualified teacher-trainers or qualified potential teachers, respectively, subject to regulations of the commissioner of education. The com-

missioner shall by regulation establish the maximum number of such positions which may be created in any school. In promulgating such regulations, the commissioner shall consider the needs of the school system for such personnel and their effectiveness in furthering educational advancement.

17. No period in any school year for which there is no required service or for which no compensation is provided shall constitute a break or suspension of probationary period or continuity of tenure rights.

18. Each community board and the central board shall have power to authorize one or more of its employees whose duties include the carrying out of the provisions of articles sixty-five and ninety-three of this chapter, to commit and parole delinquent children in the manner provided by section thirty-two hundred fourteen of this chapter.

19. (a) If a community board or the central board abolishes a pedagogical position and creates another position for the performance of duties similar to those performed in the office or position abolished, the person filling such office or position at the time of its abolishment shall be appointed to the position thus created without reduction in salary or increment, provided the record of such person has been one of faithful, competent service in the position he has filled.

(b) Whenever any such board abolishes a pedagogical position under this chapter, the services of the employee having the least seniority in the system of such board, within the tenure of the position abolished, shall be discontinued.

(c) No person holding a pedagogical position with any such board who has been regularly appointed in accordance with merit and fitness, determined by competitive examination, shall be dismissed upon the abolition of his position if:

(1) The superintendent of such board certifies that such member is competent to serve in any vacant position with such board which is in the same rank or level or in a lower rank or level of service with such board; and

(2) The superintendent, upon direction of such board, assigns such employee to any such vacant position, in which event such employee so assigned shall serve in such position without reduction of salary.

(d) If a pedagogical position with any such board is abolished or if it is consolidated with another position without creating a new position, the person filling such position at the time of its abolishment or consolidation shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position with such board similar to the one which such person filled, without reduction in salary or increment, provided the record of such person has been one of faithful, competent service in the position he has filled. The persons on such preferred list shall be reinstated or appointed to such corresponding or similar positions with such board in the order of their length of service in the system of such board.

20. The mayor may, by executive order, require that any employee of a community board or of the central board shall give *bond in an amount prescribed in such order. The city shall pay the premiums on any such bonds.*

§ 2590-m. Removal of tenured personnel. 1. Any person who has served the prescribed probationary period and has been granted a permanent appointment shall hold his position during good behavior and satisfactory service and shall be removable by the central board only for cause after a hearing held pursuant to subdivision two of this section. Such a hearing shall be held only upon the recommendation of the city superintendent with respect to persons employed by the central board or on the recommendation of the community superintendent with respect to persons employed by a community board.

2. Hearings pursuant to this section may be held by the central board or by a committee of one or more of its members or by a hearing examiner, as directed by the board. The board shall have power to designate one or more of its employees as a hearing examiner. If the hearing is before any tribunal other than the entire board, the report and recommendations of the tribunal shall be approved, disapproved or modified by the central board after each member of the board voting thereon has reviewed the evidence in the case.

3. The central board shall fix the punishment, if any, to be imposed for the offense and such punishment shall consist of a reprimand, a fine, suspension for a fixed time without pay or dismissal; provided, however, that a vote of a majority of all the members of such board shall be required for imposition of punishment.

4. An employee may be suspended by the central board, pending the hearing and determination of charges and imposition of punishment; provided that in the case of a teacher or other non-supervisory employee, such suspension shall not continue for more than ninety days. If a suspended employee is acquitted, he shall be restored to his position with full pay for the period of suspension, less his earnings from other employment during such period.

5. In all hearings and investigations under this section, all testimony shall be under oath, which the presiding officer of the hearing shall have power to administer. Such officer shall also have power to subpoena witnesses, papers and records. The supreme court shall have power, upon application of the presiding officer, to compel any witness who may be summoned to appear and testify before the hearing tribunal.

6. No charges under this section shall be brought more than three years after the occurrence of the alleged incompetency or misconduct except where the charge alleges misconduct which resulted in a conviction for a crime.

7. Any person claiming to be aggrieved by the action of the central board under this section may review its determination either by appeal to the commissioner of education, as provided by article seven of this chapter, or in accordance with the provisions of article seventy-eight of the civil practice law and rules. If such person elects to institute a proceeding under the civil practice law and rules, the determination of the central board shall, for the purpose of such proceeding, be deemed final.

§ 2590-n. *Acquisition, construction and disposition of physical facilities.* 1. The central board, to provide facilities for itself or any community board, is authorized and it shall have power to purchase, repair, remodel, improve or enlarge school buildings or other buildings, or sites, and to construct new buildings, subject to such limitations and restrictions as are provided in this section. Where such action involves a school building operated or to be operated by a community board, action by the central board shall be taken only after consultation with the community board.

2. Whenever in the judgment of the central board it is necessary to select a new site, or to enlarge a present site, or to designate a playground or recreation center, or to acquire title to or lease real property for other educational purposes authorized by this chapter, such board may take options on property desirable for such purposes. Before taking title thereto such board shall pass a resolution stating the necessity therefor, describing by metes and bounds the grounds or territory desired for each of such purposes, and estimating the amount of funds necessary therefor. An item for such amount, if funds are not available for the purchase or lease of such property, may be included in the next budget.

3. Whenever in the judgment of the central board the needs of the city require a new building for school purposes or for recreation or other educational purposes authorized by this chapter, or when in its judgment a building should be remodeled or enlarged, such board shall pass a resolution specifying in detail the necessity therefor and estimating the amount of funds necessary for such purpose. Such amount, if funds are not available for the construc-

tion of such building, may be provided in accordance with the provisions of section twenty-five hundred ninety-r of this chapter.

4. Whenever practicable, school buildings shall be constructed with an open-air playground attached to or available for use in connection with such buildings.

5. When real property of the city under the control and management of the central board or a community board is no longer needed for educational purposes, the central board shall notify the board of estimate of the city. Sale by the city shall be in the manner in which other property owned by the city may be sold or disposed of and the proceeds, if any, shall be credited to the funds of the central board unless the board of estimate determines that such funds shall be used for other city purposes.

6. The central board may through its designated officers, agents or employees enter upon public or private property for the purpose of making surveys, soundings or test borings necessary for the exercise of its powers or the performance of its duties; provided, however, that the mayor of the city has formally approved the acquisition of the property as a school site.

7. The central board may purchase real property for any purpose authorized by law and shall take title thereof in the name of the city which shall hold such property in trust for the use of the city school system and the city is hereby empowered to sell and convey the same when it deems it proper for the interest of the school system. When the owner of such property refuses to sell the same or the central board is unable to agree with the owner of such property on the purchase price thereof, the city may, at the *request of the central board, acquire title to such property pursuant to the applicable provisions of the administrative code of the city governing the condemnation of property by the city for public purposes.*

§ 2590-o. Contracts and purchases. 1. (a) Except as otherwise provided in paragraph b of this subdivision one:

(1) the central board shall let all contracts for public work to the lowest responsible bidder after advertisement for bids where so required by section one hundred three of the general municipal law; and

(2) the central board and community boards shall let purchase contracts to the lowest responsible bidder after advertisement for bids where so required by such section.

(b) If the several parts of the work or labor to be done and/or the supplies, material and equipment to be furnished shall together involve an expenditure of not more than five thousand dollars, the same may be procured on order awarded to the lowest responsible bidder upon bids submitted without public advertisement under such regulations as shall be made by the central board. Purchases of twenty-five dollars or less may be made without competition.

2. The central board may make rules and regulations governing the qualifications of bidders entering into contracts for the erection and construction of buildings, and for the alteration of buildings when the entire cost of such alteration shall exceed twenty-five thousand dollars. The bidding may be restricted to those who have qualified prior to the receipt of bids according to standards fixed by the central board, provided that notice or notices for the sub-

mission of qualifications shall be published in the City Record and in an appropriate trade journal published in the city, at least once, not less than ten days prior to the date fixed for the filing of qualifications.

3. In all contracts made by the central board for the construction, repair, alteration or remodeling of buildings and in all purchase contracts made by the central board or any community board, a stipulation may be inserted for liquidated damages for any breach, failure or delay in the performance thereof. Any such board is authorized and empowered to remit the whole or any part of such damages as in its discretion may be just and equitable. In all suits commenced on any such contracts or on any bond given in connection therewith, it shall not be necessary for any such board, whether plaintiff or defendant, to prove actual or specific damages sustained by reason of any such breach, failure or delay, but such stipulation for liquidated damages shall be conclusive and binding upon all parties.

§ 2590-p. Adoption of educational budget by city. 1. Not later than March fifteenth, nineteen hundred sixty-nine, the central board shall submit to the mayor a proposal for an equitable and objective formula whereby the total amount to be made available for expenditure by community boards in the second fiscal year of the city next succeeding such March fifteenth, as determined pursuant to the provisions of subdivision fifteen of this section, may be allocated among such boards on the basis of needs.

2. Prior to submission of such proposed allocation formula to the mayor, the central board shall:

(a) file such formula in its office and make same available for public inspection, together with a statement showing the factors considered in determining needs for the purpose of constructing such formula; and

(b) submit such formula to all community boards and afford them a reasonable opportunity for review and comment.

3. The mayor shall, on or before May first, nineteen hundred sixty-nine, approve such formula, as submitted or with such modifications as he shall deem necessary or appropriate for carrying out the purposes of this article.

4. In nineteen hundred seventy and in each subsequent calendar year, the central board and the mayor, acting in accordance with the procedure set forth in the preceding subdivisions of this section and in compliance with the schedule of dates therein set forth, as occurring in such year, shall adopt an allocation formula applicable to the total amount to be made available for expenditure by community boards in the second fiscal year of the city next succeeding the adoption of such formula.

5. The total amount made available for expenditure by community boards in any fiscal year above mentioned in this section shall be divided among such boards in accordance with the terms of the allocation formula applicable to such fiscal year.

6. The quality incentive fund shall be a fund maintained by the central board which it shall allocate among such board and community boards, in such amounts as it shall deem appropriate, to assist in and encourage racial integration, experimentation, innovation and interdistrict cooperative arrangements, and to meet emer-

gency needs. The procedure for adoption of appropriations for such fund shall be as prescribed in this section for adoption of other appropriations for expenditures of the central board.

7. In the adoption of educational appropriations in the expense budget of the city for its nineteen hundred seventy-one–nineteen hundred seventy-two fiscal year and each fiscal year thereafter, the procedure shall be as prescribed in subdivisions eight to fifteen, inclusive, of this section, commencing with the calendar year nineteen hundred seventy.

8. No later than June first of each year, the mayor shall submit to the central board an estimate of:

(a) the total sum to be available for expenditure by the central board and all community boards during the second fiscal year of the city next succeeding such June first, excluding from such sum, however, funds to be appropriated or made available in the capital budget of the city; and

(b) the total sum to be available for expenditure by community boards during such fiscal year.

9. On the basis of such estimate by the mayor with respect to such fiscal year, and on the basis of the allocation formula applicable to such fiscal year hereunder, the central board shall, not later than June tenth next succeeding the submission of such estimate by the mayor, submit to each community board an estimate of the total sum to be available for expenditure by such board for the performance of its functions during such fiscal year.

10. On or before July thirtieth of each year, each community board shall submit to the central board, an itemized estimate of

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the sums which the community board deems necessary for the performance of its functions during the fiscal year of the city commencing next after such July thirtieth. Such estimate shall be based on the estimate with respect to such fiscal year submitted to such board by the central board pursuant to subdivision nine of this section. Each community board shall hold a public hearing on its budgetary needs with respect to such fiscal year before submitting its itemized estimate for such year to the central board.

11. On or before September fifteenth of each year, the central board shall transmit to the community boards its comments concerning the itemized estimates of such boards, including any recommended changes. If the central board shall recommend any changes in any such estimate, the community board which submitted it shall, not later than September thirtieth next succeeding, hold a public hearing on such changes and notify the central board of any modifications made by the community board, in its discretion, in such estimate.

12. (a) On such day as the mayor shall direct, but not later than the first day of January of each year, the central board shall submit to the mayor an itemized estimate of the total sum of money which it deems necessary for the performance of its functions (other than functions to be financed with funds provided for in the capital budget of the city) and those of all community boards during the next ensuing fiscal year.

(b) Such estimate shall be prepared in the manner prescribed by the city charter for submission of departmental estimates for current expenses to the mayor; provided however, that such estimate

shall be formulated so as to set forth the total amount requested for the expenditures of all community boards as a single unit of appropriation.

(c) The unit of appropriation relating to expenditures of community boards shall, to the extent that it shows amounts requested for each such board, conform with the itemized estimates of such boards, as finally adopted by them pursuant to subdivision eleven of this section.

13. (a) In the proposed city expense budget submitted by the mayor to the board of estimate and city council each year for the next ensuing fiscal year, pursuant to the city charter, the total amount proposed for community boards shall be shown as a single unit of appropriation.

(b) The budget message of the mayor accompanying each such proposed budget shall contain such itemized information and supporting schedules with respect to units of appropriation for school system purposes as are required to be included, under the provisions of the city charter, with respect to other units of appropriation in a proposed budget.

14. Action by the board of estimate, the city council and the mayor each year on the proposed budget submitted by the mayor, so far as such action relates to proceedings for final adoption of appropriations for the central board and community boards, shall be in accordance with the provisions of the city charter governing final adoption of appropriations for city agencies generally, except as otherwise provided in subdivision fifteen of this section.

15. (a) If the total sum requested for any fiscal year in the itemized estimate submitted by the central board to the mayor pursuant to subdivision twelve of this section, after crediting thereto:

(1) the amount, as estimated by the central board with the approval of the mayor, which is to be received as a result of the apportionment of school funds from the state payable in such fiscal year; and

(2) the amount, as estimated by the central board with the approval of the mayor, which is to be received for school system expenditure in such year from sources other than (i) appropriations of city funds and (ii) appropriations or other provision of funds in a capital budget; shall be equivalent to or less than four and nine-tenths mills on every dollar of assessed valuation of the real property of the city liable to taxation, the city shall appropriate not less than such total sum requested by the central board.

(b) If the total sum requested for any fiscal year in such estimate submitted to the mayor by the central board shall, after crediting the amounts referred to in subparagraphs one and two of paragraph (a) of this subdivision fifteen, shall exceed four and nine-tenths mills on every dollar of assessed valuation of such real property, the city may, but shall not be required to appropriate such excess. The city shall be authorized to appropriate for the school system sums in addition to those requested in the estimate submitted by the central board, subject to the provisions of this section.

(c) Notwithstanding any provision of the city charter or any other law to the contrary, the board of estimate and city council, in acting on the unit of appropriation for community board expenditures in the proposed budget submitted by the mayor, may, subject to the veto of the mayor, increase or decrease the total amount of such unit of appropriation, but shall not have power to add any other unit of appropriation for community board expenditures.

16. (a) The adoption of school system appropriations for the nineteen hundred seventy–nineteen hundred seventy-one fiscal year of the city shall be governed by the applicable provisions of article fifty-two of this chapter and of the city charter, except as otherwise provided in this subdivision sixteen.

(b) The itemized estimate submitted by the board of education to the mayor with respect to such fiscal year shall conform with the requirements of paragraphs a and b of subdivision twelve of this section. In preparing the portions of such estimate relating to appropriations for any community board, the board of education shall consult with such board, if it possesses a certificate of partial authority, issued pursuant to section twenty-five hundred ninety-dd of this chapter, authorizing it to act for such purpose.

(c) The procedure, terms and conditions prescribed by subdivisions thirteen, fourteen and fifteen of this section shall govern (1) the formulation of the unit of appropriation for community board expenditures and supporting information relating thereto in the proposed budget and budget message submitted by the mayor to the board of estimate and city council with respect to such fiscal

year and (2) the action of the mayor, the board of estimate and the city council in finally adopting the unit of appropriation for such expenditures for such year.

17. (a) If an emergency affecting matters within the functions, powers and duties of a community board arises, such board may submit to the central board a request for additional funds, together with a statement showing the proposed items of expenditure and the facts establishing the necessity therefor. If the central board shall determine that additional funds are required for such purpose and cannot be made available through means other than an additional city appropriation, the central board may submit to the mayor an itemized request for such additional funds as it deems necessary, together with a statement showing the necessity therefor.

(b) If an emergency affecting matters within the functions, powers and duties of the central board arises, and it determines that additional funds are needed to meet such emergency and cannot be made available through means other than an additional city appropriation, it may submit to the mayor an itemized request for such funds as it deems necessary, together with a statement showing the necessity therefor.

(c) If the mayor deems such a request by the central board for additional funds to be warranted, he may submit to the board of estimate and city council, an itemized request for such additional funds as in his judgment are required to meet the emergency. The city may appropriate additional funds for such purpose through action by the board of estimate and the city council upon such itemized request, subject to the veto of the mayor, in accordance

with the procedure applicable, under the city charter, to action by such bodies upon a proposed budget submitted by the mayor; provided however, that (1) each item in such request shall, for the purposes of this paragraph c, be deemed a separate unit of appropriation, (2) such bodies shall complete public hearings and action on the mayor's request within thirty days after submission thereof (3) the mayor may veto any action of either body on such request within ten days after expiration of such period of thirty days, and (4) such bodies may override the mayor's veto by action taken within ten days after the expiration of such period of ten days.

18. Funds to meet expenses of community boards and the central board incurred prior to July first, nineteen hundred seventy, may be made available to such boards (a) by the board of education, in its discretion, from moneys appropriated or authorized for expenditure by the board of education, other than moneys appropriated or made available for school system capital projects and (b) in the discretion of the city, by appropriation of funds in the city's expense budget or modification of such budget.

§ 2590-q. Budget administration. 1. Subject to the provisions of law relating to audit and payment of salaries and other claims of the comptroller:

(a) the central board shall administer all moneys appropriated or available for the performance of its functions and for the quality incentive fund; and

(b) each community board shall administer all moneys allocated to it pursuant to section twenty-five hundred ninety-p of this

chapter, subject to appropriate fiscal procedures of the central board.

2. Notwithstanding any other provision of this article to the contrary, in the event that the allocation formula applicable, pursuant to to subdivisions one to five, inclusive, of such section twenty-five hundred ninety-p, to the sharing of community board funds in any fiscal year, results in a substantial inequity or defect in operation, the central board may make such reallocations or transfers of such funds or any remaining part thereof among such boards, as the central board may deem appropriate for correction of such inequity or defect. Any affected community board may appeal such action to the commissioner of education pursuant to section twenty-five hundred ninety-ee of this chapter.

3. Except as otherwise provided in any law of the United States with respect to appropriations of federal funds for educational purposes, and except where the provisions of this chapter authorize a community board to apply for, receive and administer state funds, the central board may, in behalf of the school system or any part thereof, apply for, receive and administer funds from:

(a) any government, federal, state or local, or any agency or instrumentality thereof;

(b) any private corporation or institution or other private source.

4. (a) Each community board may apply for, receive and administer:

(1) federal funds, as authorized by section thirty-seven hundred thirteen of this chapter;

(2) state funds, where authorized to do so by any other provision of this chapter applicable to a community board;

(3) funds allocated by the central board from the quality incentive fund; and

(4) funds granted by any private corporation or institution or other private source.

(b) Except as authorized by the provisions of this chapter, a community board shall not, without the approval of the central board, apply to any government, federal, state or local, or any agency or instrumentality thereof, for funds or directly receive funds granted by any such public source.

5. The central board may allocate to community boards funds received by the central board pursuant to subdivision three of this section.

6. The central board and any community board may enter into such contracts with grant sources as may be necessary to effectuate any grant which such board is authorized to receive hereunder.

7. The provisions of subdivisions three, four, five and six of this section shall not be construed as modifying, changing or affecting the apportionment payable to the city of New York pursuant to sections thirty-six hundred two and twenty-five hundred ninety-ff of this chapter, or any other apportionment of state funds to the city or the city school district of the city under this chapter.

8. The central board and community boards shall not incur any liability or expense chargeable against them or the funds under their control or the city for any purpose in excess of the amount appropriated or available therefor or otherwise authorized by law.

§ 2590-r. Financing of school system capital projects. 1. Subject to the provisions of subdivision fourteen of section twenty-five hundred ninety-p of this chapter, the city may, in its discretion, in the manner hereinafter provided in this section, annually cause to be raised such sums of money as may be required for school system capital projects.

2. Such projects may be financed in whole or in part, in the discretion of the city, by appropriations adopted pursuant to such section twenty-five hundred ninety-p or as capital budget projects pursuant to the city charter and the local finance law.

3. For purposes of adoption and administration of the portions of the capital budget of the city relating to school system capital projects, including site selection and project initiation, the central board shall act in behalf of the school system and be treated as an agency of the city, subject, however, to the provisions of section twenty-five hundred ninety-n of this chapter. Before submitting estimates of school system capital projects to the mayor and the city planning commission as provided for in the city charter, the central board shall consult thereon with community boards in accordance with procedures prescribed by the central board, which shall afford community boards a reasonable opportunity for expression of their views. Sums appropriated or otherwise provided for school system capital projects in the capital budget, when authorization for expenditure thereof shall have been granted pursuant to the city charter, shall be administered and expended by the central board subject to the provisions of chapter nine of the city charter.

4. If the city shall issue obligations for any capital project for the school system, the principal and interest of such obligations shall be paid out of moneys raised by tax therefor in the same manner as other school moneys are raised, when such obligations and the interest thereon shall become due and payable.

5. During nineteen hundred seventy-one and at intervals of five years thereafter, the central board shall, after appropriate consultations and hearings, publish a capital needs analysis and a plan showing intended capital development for the ensuing ten years.

6. With respect to the preparation and adoption of the capital budget of the city for its nineteen hundred seventy–nineteen hundred seventy-one fiscal year, the board of education shall act in relation to school system capital projects pursuant to applicable provisions of law in effect, prior to July first, nineteen hundred seventy. With respect to the administration of the portions of such capital budget relating to school system capital projects, the central board shall act pursuant to the provisions of subdivision three of this section.

§ 2590-s. Annual audit and financial report. The central board shall cause all expenditures of educational funds by such board and community boards to be post-audited annually and shall file in the office of the central board, the mayor and the comptroller a report showing the results of such audit. Such report shall be available for inspection by the public.

§ 2590-t. Custody and disbursement of funds. 1. (a) On and after July first, nineteen hundred seventy, public moneys apportioned to the city by the state and all funds raised or collected by

the authorities in the city for school purposes or to be used by the central board or community boards for any purpose authorized by this chapter, or any other funds belonging to the city and received from any source whatsoever for similar purposes, shall be paid into the city treasury and, in accordance with appropriations, allocations or other authorizations under this article for expenditure, use or disposition of such moneys or funds by community boards or the central board, shall be credited to (1) the central board, or (2) the quality incentive fund, or (3) the respective community boards as determined by the allocation formula established pursuant to section twenty-five hundred ninety-p of this chapter.

(b) Any funds appropriated or made available for expenditure by a community board or the central board, prior to July first, nineteen hundred seventy, shall be paid into the city treasury and shall be credited to the board authorized to expend, use or dispose of such funds.

2. The funds so received into such treasury shall be kept separate and distinct from any other funds received therein. The officer having charge thereof shall give such additional security for the safe custody thereof as the corporate authorities of the city shall require.

3. Funds credited to the central board and to the quality incentive fund shall be disbursed upon written orders upon the director of finance of the city signed by the city superintendent and the president of the central board, or such other officers as such board may authorize. Funds credited to a community board shall be disbursed *upon written orders upon the director of finance of the city signed by the community superintendent of such board and its chairman, or such other officers as such board may authorize. Orders issued under this subdivision shall specify the purpose for which they are drawn and the person to whom they are payable.*

4. (a) It shall be unlawful for the director of finance to permit any funds placed in his custody under the provisions of this section to be used for any purpose other than that for which they are lawfully authorized.

(b) Such funds shall be paid out only on audit of the central board, except as otherwise provided in subdivision five of this section.

(c) Payments from such funds shall be made only by checks signed by the director of finance and payable to the person entitled thereto and countersigned by the comptroller.

5. Fixed salaries, principal of and interest on indebtedness and amounts becoming due upon lawful contracts for periods exceeding one year may be disbursed without prior audit of the central board.

6. The central board and the community boards shall make, in addition to such classification of their funds as they desire for their own use and information, such further classification of the funds under their respective management and control and of the disbursement thereof as the comptroller shall require. The central board and community boards shall furnish such data in relation to such funds and their disbursements as the comptroller shall require.

§ 2590-u. Corporate schools entitled to participate in central board funds. 1. The corporate schools entitled to participate in

funds of the central board are as follows: The schools established and maintained by the Five Points House of Industry, the industrial schools established and maintained under the charge of the Children's Aid Society in the city of New York, the schools of the American Female Guardian Society, the Roman Catholic Orphan Asylum, the Brooklyn Home for Children, the Orphan Home and the Convent of Mercy, and the Child Care Center (formerly Tuberculosis Preventorium for children). The New York Institute for the Blind shall receive a ratable proportion of the funds for every blind pupil in such institution without regard to age.

2. Such schools shall be subject to the general supervision of the central board but shall be under the immediate direction of their respective trustees, managers and directors.

§ 2590-v. Trustees of corporate schools entitled to participate in funds of the central board may convey to city and be merged. The trustees, managers and directors of any of the corporate schools of the city entitled to participate in the apportionment of the funds of the central board may, at any time, convey their school houses and sites to the city and transfer any of their schools to the central board on terms and in a manner to be agreed upon and prescribed by such board, so as either to merge such corporate schools in the public schools or adopt them as public schools and the same shall then be public schools.

§ 2590-w. Certain schools to report as to moneys and attendance; accidental omission to report. 1. The central board shall require from the officers conducting schools by appointment of the board, and from the trustees, managers or directors of the corporate

schools entitled to participate in the funds of the central board an annual report in writing dated the thirty-first day of December, which shall be signed and certified by a majority of such officers, trustees, managers or directors, and which report shall state: the whole number of schools within their jurisdiction; the length of time each school shall have been kept open; the whole number of pupils over four and under twenty-one years of age who shall have been taught free of expense to such pupils in their schools, during the year ending with the date of the report, which number shall be ascertained by adding to the number of children on register at the commencement of each year, the number admitted during that year, which shall be considered the total for that year; the average number that has actually attended such schools during the year, to be ascertained by the teachers keeping an exact account of the number of pupils present every school day or half day, which, being added together, and divided by four hundred sixty, or if less than a year by the number of school sessions, shall be considered the average of attending pupils, which average shall be affirmed or sworn to by the principal teacher of the school; a detailed statement of the amount of moneys received or expended for their respective schools during the year, from or by the director of finance of the city, and of the purposes for and the manner in which the same shall have been expended; a particular account of the state of the schools, and of the property and affairs of each school under their care; the titles of all books used; and such other information as such board shall require.

2. In making the apportionment among the several schools no share shall be allotted by such board to any school or society from which no sufficient annual report shall have been received for the year ending on the last day of December immediately preceeding the apportionment. Whenever an apportionment of the funds of such board shall not be made to any school, in consequence of any accidental omission to make any report required by law or to comply with any other regulation or provision of law, such board, in its discretion, may direct an apportionment to be made to such school according to the equitable circumstances of the case, to be paid out of the funds of such board on hand, or if such funds shall have been distributed, out of the funds to be received in a succeeding year.

§ 2590-x. Claims, actions and proceedings against central board and community boards. 1. In any case where, but for the enactment of this subdivision one, any community board would be liable in tort to any person, such board shall not be liable therefor and the central board shall be liable therefor in the place and stead of such community board. No claim, action or proceeding shall be asserted or brought against a community board by reason of any such tort, but any claim, action or proceeding which, but for the enactment of this subdivision one, could be asserted or brought against a community board by reason of such tort, may be asserted or brought against the central board.

2. No action or special proceeding, for any cause whatever, shall be prosecuted or maintained against the central board or any community board unless it shall appear by and as an allegation in *the complaint or necessary moving papers that at least thirty days have elapsed since the demand, claim or claims upon which such action or special proceeding is founded were presented to such board for adjustment, and that the officer or body having the power to adjust or pay such claim has neglected or refused to make an adjustment or payment thereof for thirty days after such presentment.*

3. The provisions of sections fifty-e, fifty-h and fifty-i of the general municipal law shall apply to claims, actions and special proceedings against the central board in the same manner, to the same extent and with the same force and effect as if such board were a school district.

4. The central board or any community board may require any person presenting for settlement an account or claim for any cause whatever against it to be sworn before it or a committee thereof, or before any person designated by such board, touching such account or claim, and when so sworn, to answer orally as to any facts relative to the justness of such account or claim. A member of such board, or any other person designated as hereinbefore stated, shall have the power to administer an oath to any person who shall give testimony as to the justness of such account or claim, and for the purpose of securing such testimony may issue subpoenas for the attendance of witnesses. Wilful false swearing before any such board, a committee thereof, or before any person designated as hereinbefore stated, is perjury and punishable as such.

§ 2590-y. Liability of central board. Notwithstanding any inconsistent provision of law, general, special or local, or the limita-

tion contained in the provisions of the city charter, the central board shall be liable for, and shall assume liability to the extent that it shall save harmlesss any duly appointed member of the teaching or supervising staff, officer, or employee of a community board or the central board for damages arising out of the negligence of any such appointed member, officer or employee, resulting in personal injury or property damage either within or without the school buildings, provided the appointed member, officer or employee at the time damages were sustained was acting in the discharge of his duties and within the scope of his employment.

§ 2590-z. Retirement system for non-pedagogical employees. 1. No later than thirty days after the effective date of this section, the board of education of the city, the teachers retirement board and the commissioner of education, acting pursuant to section twenty-five hundred seventy-five of this chapter, as in effect prior to July first, nineteen hundred seventy, shall cause the rules and regulations governing the board of education retirement system established by the board of education pursuant to such section twenty-five hundred seventy-five to be amended so as to provide:

(a) for entry into membership in such system on the part of any person who does not have such membership and who is appointed, transferred or assigned, pursuant to this article, to a permanent non-pedagogical position with the central board or any community board;

(b) for the continuation of membership in such system on the part of any person who is so appointed, transferred or assigned

and who immediately prior to such appointment, transfer or assignment, is a member of such system; and

(c) for the continuation of membership in such system on the part of any person who (1) by appointment, transfer or assignment becomes an employee of a community board or the central board in a permanent pedagogical position which is the same as or similar to or corresponds with a position held by such person in the bureau of compulsory education, school census and child welfare established by such section twenty-five hundred seventy of this chapter, and (2) is a member of such retirement system at the time of such appointment, transfer or assignment.

2. Such retirement system, as established by the rules and regulations in effect on June thirtieth, nineteen hundred seventy pursuant to such section twenty-five hundred seventy-five, shall continue to exist on and after July first of such year under the name "central board of education retirement system", subject to the provisions of subdivision four of this section. All persons who are members of the board of education retirement system on such June thirtieth shall continue to be members of the central board of education retirement system thereafter, subject to the provisions of applicable rules and regulations governing eligibility for and rights to membership in the central board of education retirement system.

3. On and after July first, nineteen hundred seventy, the central board shall have power to maintain such retirement system and to adopt appropriate rules and regulations for the government, management and control of the retirement of employees entitled to *membership therein, subject to the provisions of subdivision four of this section. The city shall appropriate annually, pursuant to chapter six of the city charter, the sum necessary to pay the expenses of the administration of this section and shall pay such pensions to persons eligible therefor as they shall be entitled to receive annually under the rules and regulations governing such system, as prescribed in this section. Such rules and regulations shall provide for the annual payment of a pension which shall be a per centum of the average annual personal compensation of an employee for the five years of service immediately preceding his retirement.*

4. (a) On and after July first, nineteen hundred seventy, changes, alterations, amendments or modifications in the rules and regulations established for the administration of this section shall be adopted as hereinafter provided in this subdivision.

(b) The central board may adopt and shall submit such changes, alterations, amendments or modifications, hereinafter in this subdivision referred to as changes, to the teachers' retirement board for approval. The teachers' retirement board shall, within thirty days after the submission to it of such changes, transmit to the central board a statement in writing setting forth which of such changes it approves and which it disapproves, if any, and the reasons for such disapproval. If the teachers' retirement board shall approve all of such changes, they shall immediately become effective and in full force and operation.

(c) If the teachers' retirement board shall disapprove any or all of such changes and if the central board and the teachers' retire-

ment board within thirty days thereafter shall fail to agree upon changes in place of the changes so disapproved, the changes shall be submitted by the central board, within ten days after the expiration of such period of thirty days, to the commissioner of education, who shall have full power to approve, alter or modify the changes disapproved by the teachers' retirement board. Such action of the commissioner of education shall be final, and thereupon the changes approved by the teachers' retirement board and the changes approved, altered or modified by the commissioner of education shall immediately become effective and in full force and operation.

(d) Should the teachers' retirement board fail either to approve or disapprove all or any of such changes submitted to it as herein provided, then such changes not approved or not disapproved shall, at the expiration of the thirty days immediately following their submission to the teachers' retirement board, be deemed to have been approved by the teachers' retirement board and such changes shall immediately become effective and in full force and operation.

5. (a) Notwithstanding any other provision of law to the contrary, any employee of the board of education, who has completed at least twenty years of continuous board of education administrative service, or other service as a member of the board of education retirement system, and having accepted appointment to the school clerical or pedagogical service of the board of education, may continue membership in the board of education retirement system and shall be permitted to contribute to such system and receive credit for service rendered to the school clerical or pedagogical service of the board of education as if such service were education service.

(b) Notwithstanding any other provision of law to the contrary, any person who has completed twenty years of continuous service consisting in whole or in part of board of education administrative service, service in any non-pedagogical position as an employee of a central board or community board or other service as a member of the board of education retirement system or central board of education retirement system, and who accepts appointment to a pedagogical position with the central board or any community board, may continue membership in the board of education retirement system or central board of education retirement system, as the case may be, of which he is a member at the time of such appointment and shall receive credit for service rendered in such pedagogical position as if such service were in a non-pedagogical position.

§ 2590-aa. Anniversary day as a holiday in the public schools of the borough of Brooklyn and the borough of Queens. The first Thursday in June in each year, except in those years when the first Thursday in June occurs in the same week with Memorial day, and in such years the second Thursday in June, known as anniversary day, and celebrated in commemoration of the organization of Sunday schools, is hereby made and declared to be a holiday in all the public schools in the borough of Brooklyn and borough of Queens of the city and the central board and all community boards are hereby authorized and directed to cause all the public schools in such boroughs to be closed on such day.

§ 2590-bb. Tenure in fashion institute of technology. 1. The following words and phrases, as hereinafter used, and for the purposes of this section, shall have the following meanings:

a. "Community college" shall mean fashion institute of technology, a community college sponsored by the board of education until June thirtieth, nineteen hundred seventy, and after such date by the central board.

b. "Board" shall mean the board of trustees of fashion institute of technology.

c. "Instructional staff" shall mean the persons employed in the community college in the positions of president, dean, director, assistant dean, assistant director, chairman of department or division, senior instructor, instructor, lecturer, college registrar, college bursar, laboratory technician, college administrative assistant, instructor technologist, college librarian, assistant librarian; or in any position which the board in its discretion may add thereto.

d. "Tenure" shall mean the right of a person to hold his position during good behavior and efficient and competent service, and not to be removed therefrom except for cause in the manner hereinafter provided.

2. All members of the permanent instructional staff under the jurisdiction of the board shall have tenure.

3. The permanent instructional staff shall consist of:

a. All persons employed on an annual salary basis in the community college in the positions of senior instructor, librarian, assistant librarian, college registrar, college bursar or college administrative assistant, who, on April twelfth, nineteen hundred fifty-seven were serving in any of the positions enumerated in this paragraph and had completed at least four full years of continuous service on an annual salary from the date of their appoint-

ment to any of the positions enumerated in this paragraph, or who have so served at least three full years and have been appointed for a fourth full year.

b. All other persons employed on an annual salary basis in the community college in the positions of senior instructor, librarian, assistant librarian, college registrar, college bursar, college administrative assistant, or in any position created on or after April twelfth, nineteen hundred fifty-seven, which the board in its discretion may designate as a tenure position, who, after serving on an annual salary in any of the positions enumerated or provided for in this paragraph for three full years continuously, have been appointed or shall be appointed for a fourth full year, except as provided in subdivision four of this section, provided that in determining the tenure rights of such persons time served as an instructor shall be counted.

c. Any regularly appointed member of the teaching or supervising staff of the board of education who, on September first, nineteen hundred fifty-eight was serving in the community college in the position of senior instructor, librarian, assistant librarian, college registrar, college bursar or college administrative assistant, pursuant to an assignment by the superintendent of schools of the board of education, and who had on such September first or thereafter shall have completed three full years of continuous service in any of the positions enumerated in this paragraph, or in any position created after such September first which the board may designate as a tenure position, shall be entitled to become a member of the permanent instructional staff of the community college with *tenure in the position in which he is then serving in the community college, provided such person, within three months after such completion of three full years of continuous service, shall notify the president of the community college in writing of his election to become a member of the permanent instructional staff of the community college with tenure in the position in which he is then serving in the community college, and provided further that such person shall within the same period resign from his position in the board of education. Such person shall have the absolute right, notwithstanding his election to become a member of the permanent instructional staff of the community college with tenure, to continue as a member of the retirement system of which he was a member immediately prior to such election, without any loss or diminution in his rights, status or privileges in such retirement system. Any regular license issued by the superintendent of schools of the board of education, held by such person at the time he becomes entitled to tenure in the community college shall continue to be valid during his continuance of service in the community college.*

4. Nothing herein contained shall be construed as conferring or permitting tenure, or service credit toward the achievement of tenure, in the positions of president, dean, director, assistant dean, chairman of department or division, or assistant director. Appointment to such position or removal therefrom, however, shall not deprive the person so appointed or removed of tenure in the highest position on the instructional staff held with tenure prior to his appontment to such office or conjointly with such office, nor shall such appointment or the holding of such position or removal *from such position deprive any person of service credit toward the achievement of tenure under the provisions of this section.*

5. A certificate of permanent tenure shall be issued by the board promptly after April twelfth, nineteen hundred fifty-seven, to each person then employed in the community college who, on or prior to such date shall have satisfied the requirements for entitlement to tenure prescribed by this section. In the case of any person employed in the community college on such April twelfth or thereafter, who, after such date, satisfies such requirements for entitlement to tenure, a certificate of permanent tenure shall be issued by the board to such person, upon the completion by such person of such requirements.

6. For the purpose of appointments and promotions in the instructional staff which may be made after April twelfth, nineteen hundred fifty-seven, the board shall determine to what extent examinations are practicable to ascertain merit and fitness for each of the positions under its jurisdiction, and, in so far as examinations are deemed practicable, shall determine to what extent it is practicable, that such examinations be competitive. Any examination held in accordance with the provisions of this subdivision shall be set and administered through any agency which the board may from time to time create or designate. Prior to July first, nineteen hundred seventy, the superintendent of schools of the board of education may, upon the request of the president of the community college, direct the board of examiners and the medical board of the board of education to render such service as the president of the community college may request to assist the board *and the president of the community college in the ascertainment of merit and fitness for appointment to or relative to service in instructional positions in the community college. On and after July first, nineteen hundred seventy, the superintendent may, upon the request of the president of the community college, direct the professional manpower division and medical staff of the central board to render such service.*

7. Neither tenure as conferred through the operation of this section nor the period requisite for the achievement of tenure shall be affected by transfer within the community college, or by promotion, or by change of title, except that a person upon whom tenure is conferred through the operation of this section and who may be transferred to any position in the community college, or who may be promoted, or whose title may be changed, shall have tenure in his new position, provided such position is not one of those enumerated in subdivision four of this section. Nothing herein contained shall be construed to prevent the board from assigning any person having tenure to any appropriate position on the staff, but no such assignment shall carry with it a reduction in rank or a reduction in salary other than the elimination of any additional emolument provided for administrative positions.

8. A position held by a person upon whom tenure is conferred through the operation of this section may be abolished or discontinued by the board for reasons which are not discriminatory against a particular person or persons. In the event that a position in a specified subject is to be abolished or discontinued, such position shall be that of the person last appointed to such position; provided, *however, that all persons in such position upon whom tenure is not conferred by the operation of this section shall be dismissed before the position of any other person in such subject is abolished or discontinued. If the board abolishes or discontinues the position of a person upon whom tenure is conferred through the operation of this section and can find no position in the community college which can be efficiently and capably filled by such person, then his name shall be placed and shall remain for three years on a preferred eligible list of candidates for reappointment to fill a vacancy that may thereafter occur in a position which can be efficiently and capably filled by such person or to fill a newly created position which can be efficiently and capably filled by such person. Reappointment from such preferred eligible list to a position in a specified subject shall be made in the order of the original appointment of the persons on such preferred eligible list. Any person reappointed from such preferred eligible list shall be reappointed at a salary not less than that which he was receiving when his position was abolished or discontinued. Any person whose name is placed on such preferred eligible list as hereinbefore provided shall, for the purpose of maintaining his status in any retirement system of which he is a member, be deemed to be on leave of absence without pay.*

9. Persons granted tenure under the provisions of this section shall not be removed except for cause, after a hearing and by a majority vote of the board. Charges against a person entitled to tenure under the provisions of this section may be preferred by the president, any member or members of the board, or the board *itself. Such charges and all specifications of such charges shall be filed with the board, which shall cause a copy thereof to be served upon the person accused, and such person shall have ten days from the date of the service of such charges and specifications, or such additional time as may be granted him by the chairman of the board, in which to file an answer in writing with the board. Any person against whom charges as herein provided are filed with the board, may be suspended with or without pay by the president pending a final determination of such charges by the board. The board shall proceed to try and determine such charges either by the board, or by a trial committee consisting of one or more members of the board, or by a trial committee consisting of one or more persons specially appointed for such purpose by the board, and the board shall fix the penalty or punishment, if any, to be imposed for the offense, and such penalty or punishment may consist of a reprimand, a fine, suspension for a fixed time without pay, or dismissal; provided, however, that a vote of a majority of all the members of the board shall be necessary to impose a penalty or punishment. The report of any trial committee holding such trial shall be subject to final action by the board, each member of which shall before voting read the testimony and the evidence in the case. The board may reject, confirm or modify the conclusions of the trial committee, and the decisions of the board shall be final, except that any person aggrieved may review the determination of such board only by an appeal to the commissioner of education, as provided for by article seven of this chapter. In case the charges preferred against any person are dismissed, he shall be restored to his position with full* *pay for the period of his suspension. In all trials and investigations authorized by this section all testimony taken shall be under oath, which the chairman of the board or the chairman of the trial committee is hereby authorized to administer. For the purpose of any investigation, trial or hearing, the chairman of the board or the chairman of the trial committee shall have power to subpoena witnesses, papers and records. The supreme court shall have power, upon the application of the chairman of the board or the chairman of the trial committee, to compel any witness who may be summoned, to appear and testify before said board or trial committee.*

§ 2590-cc. Appointment of experienced substitute teachers. 1. Notwithstanding any other provisions of law, the board of examiners established by section twenty-five hundred sixty-nine of this chapter, as in effect prior to July first, nineteen hundred seventy, shall initiate, on or before December thirty-first, nineteen hundred sixty-seven and shall complete prior to July first, nineteen hundred seventy, examinations for licenses as regular teachers, which shall be open only to experienced substitute teachers (a) who hold a valid substitute license for teaching service in the public school system of the city in the same subject and at the same school level as are comprehended by the regular license sought hereunder; (b) who, within the five year period immediately preceding July first, nineteen hundred sixty-seven taught under such license satisfactorily in the public schools of the city for a minimum of one year (one hundred sixty school days), of which at least one-half year (eighty school days) shall have been served continuously in the same school.

2. Such examination shall be based upon an appraisal of teaching experience, classroom observation, an oral interview and a physical and medical examination. The board of examiners shall establish the passing mark for such examination; it shall also require reasonable proof of satisfactoriness of record, including moral character and fitness, as a condition precedent to the issuance of regular teacher's licenses.

3. Regular licenses shall be issued hereunder prior to July first, nineteen hundred seventy, on condition that the academic and professional requirements for the licenses in effect on July first, nineteen hundred sixty-seven shall be satisfied in full by the holders thereof on or before July first, nineteen hundred seventy; and upon failure of the holders of such regular license to satisfy these requirements by such date, the licenses shall terminate.

4. The board of examiners shall promulgate an eligible list for each license containing the names of applicants who have complied with the provisions of this section. Each such eligible list, upon promulgation, shall follow the lists for the same licenses which are in effect at the time of such promulgation and each such list promulgated under this section shall have precedence over lists for the same license subsequently promulgated by the board of examiners.

5. Applicants appointed to regular teaching positions pursuant to this section prior to July first, nineteen hundred seventy shall be eligible to purchase credit for prior service in the retirement system established for teachers in the city. Applicants hereunder shall accept employment under a three-year probationary period which shall not be reduced by reason of any prior substitute service.

6. The provisions of subdivisions one to four, inclusive, of this section shall cease to be in effect on July first, nineteen hundred seventy. Any eligible list established pursuant to such subdivision four shall expire on July first, nineteen hundred seventy.

§ 2590-dd. Temporary commission on transition. 1. (a) There is hereby established a temporary commission on transition which shall consist of three members. One of such members shall be appointed by the commissioner of education, one by the mayor, and one by the board of education. The members shall hold office up to and including June thirtieth, nineteen hundred seventy-one. The appointment of such members shall be completed within fifteen days after the effective date of this section.

(b) Any vacancy in any such office shall be filled in the manner herein prescribed for original appointment to such office. A member may be removed by the appointing authority for cause, after a hearing.

(c) The members of the commission shall serve without compensation.

(d) The commission shall designate one of its members as chairman.

2. The commission shall employ a full-time executive director, who shall receive a salary fixed by the mayor, and who shall direct and manage the activities of the commission.

3. The commissioner of education and the board of education may temporarily assign personnel under their respective jurisdictions to the commission. The mayor may so assign employees of any agency the head of which is appointed by him. Any employees *so assigned shall be deemed to be continued in the employment held by them immediately prior to such assignment and shall not thereby suffer any loss or impairment of rights to compensation, tenure or seniority or retirement system rights.*

4. The commission shall:

(a) formulate, subject to review and approval by the commissioner of education, and submit to the community boards and the central board:

(1) plans for the staffing of the central board and the community boards;

(2) budget, accounting, payroll and auditing systems for such boards;

(3) proposals for an allocation formula to be employed pursuant to section twenty-five hundred ninety-p of this chapter;

(4) such other plans, systems, programs and steps, the adoption of which by the community boards and the central board, is, in the judgment of the commission, necessary for an orderly and efficient commencement of the operation of the decentralized school system;

(5) proposed by-laws, rules and regulations to be adopted by such boards, governing the conduct of their business, recruitment of personnel and personnel administration and other matters which may be appropriately regulated by such promulgations under the provisions of this article;

(b) conduct programs for the training of members of community boards and personnel employed by such boards and the central board, in the performance of their duties; and

(c) recommend to the board of education such action to be taken by such board as the commission deems necessary or appropriate to facilitate the transition to a community school system.

5. The commission shall supervise elections held to select members of community boards.

6. (a) The commission, upon satisfying itself that a community board is so organized and prepared as to be capable of exercising or performing some, but not all of the functions, powers or duties which may be performed or exercised by a community board under this article, may recommend to the central board that a certificate of partial authority be issued by the central board to such board, empowering the community board to exercise or perform such of the functions, powers and duties above mentioned as are specified in such recommendation. Upon issuance of a certificate of partial authority by the central board, in accordance with such recommendation, the community board shall have power to exercise or perform the functions, powers and duties therein specified; provided that no such certificate shall authorize any community board, prior to July first, nineteen hundred seventy, to perform the duties specified in paragraphs a, b, c, e, f and h of subdivision one of section twenty-five hundred ninety-f of this chapter.

(b) The commission, upon satisfying itself that a community board is so organized and prepared as to be capable of exercising all functions, powers and duties conferred upon a community board by this article, may recommend to the central board that it issue a certificate of full authority to such community board. Such a certificate issued by the central board in accordance with such

recommendation shall take effect no earlier than July first, nineteen hundred seventy and shall authorize the community board, on and after the effective date of such certificate, to exercise or perform all functions, powers and duties conferred upon a community board by this article.

7. The commission may at any time recommend to the central board that it order a community board having power to do so under a certificate issued pursuant to subdivision six of this section, to take action effectuating any plan, system, program or step mentioned in subparagraphs one, two and four of paragraph a of subdivision four of this section, or to adopt any by-law, rule or regulation mentioned in subparagraph five of such paragraph a. Notwithstanding any other provision of this article, any order issued by the central board to carry out such a recommendation shall be complied with by the community board to which it is directed, subject to the right of appeal to the commissioner of education provided for by section twenty-five hundred ninety-ee of this chapter.

8. If the central board shall refuse or fail to follow any recommendation of the commission made pursuant to subdivision six, or seven of this section, the commission may appeal such refusal or failure to the commissioner of education, who shall render such ruling thereon as he may deem necessary for the effectuation of the purposes of this article.

9. Notwithstanding any other provision of this article to the contrary, in the event that any community board, on or after July first, nineteen hundred seventy, does not possess a certificate *of full authority, the central board shall perform or exercise, in behalf of such community board, all functions, powers and duties which would be performed or exercised by such community board under a certificate of full authority (other than functions, powers and duties as to which such community board possess a certificate of partial authority) until such time as the central board shall issue a certificate of full authority to such community board under subdivision six of this section.*

10. Prior to the termination of the existence of the commission hereunder, it shall prepare and file with the legislature, the commissioner of education, the mayor and each community board, a report on the activities of the commission, together with its recommendations as to steps which may be taken to improve and strengthen the operation of a decentralized school system in the city, including its recommendations as to decentralization of the operation of high schools.

11. Upon the termination of the existence of the commission, the central board shall have power at any time to review and to amend, modify or rescind in whole or in part any order issued by such board, on the recommendation of the commission, pursuant to subdivision seven of this section.

12. The mayor shall annually submit to the governor, on or before October fifteenth of each year, a request for an appropriation from the state treasury to defray the reasonable and necessary expenses of the transition commission, during the next ensuing fiscal year of the state, for personal service and for maintenance and operation with respect to the performance of the functions of the *commission. Such request shall be in such form and detail as the governor may prescribe. The expenses of the commission shall be paid from appropriations from the state treasury in the manner herein prescribed. Moneys appropriated for the use of the commission shall be paid out of the state treasury on the certificate of the chairman of the commission or of an officer or employee thereof designated by the chairman, after audit by and on the warrant of the comptroller.*

§ 2590-ee. Powers of commissioner of education. 1. Disputes between a community board and the central board, including, but not limited to any such disputes arising under paragraph b of subdivision two of this section, and disputes between a community board and the transition commission, including, but not limited to a refusal by the transition commission to recommend issuance of a certificate under subdivision six of this section, may be brought by either party before the commissioner of education for resolution.

2. (a) The commissioner may order a community board or the central board to act or refrain from acting where such an order is, in his judgment, necessary for the maintenance of sound education.

(b) Such authority, so far as it relates to community boards, may be delegated by the commissioner to the central board, but only subject to specific guidelines for its exercise.

3. In emergency situations, the commissioner may declare a community school district, or a group of schools within such district, to be in a trusteeship under his direct supervision or under the supervision of a delegate designated by him. The powers and authority of the community board which would otherwise have *jurisdiction over such district or schools shall thereby be suspended with respect to such district or schools, as the case may be, and the commissioner or his delegate shall have all jurisdiction and powers otherwise exerciseable by the community board in relation to such district or schools.*

4. The decision of the commissioner of education on any appeal or proceeding pursuant to this section shall be final and conclusive, and shall not be subject to question or review in any place or court whatever.

5. Nothing contained in this article shall be construed as limiting or restricting the powers and jurisdiction of the commissioner of education under section three hundred ten of this chapter.

§ 2590–ff. State aid for city school district of the city. The apportionment payable to the city pursuant to section thirty-six hundred two of the education law shall be governed by the provisions of such section as modified by the following:

1. The city school district of the city shall be permitted to use either the resident weighted average daily attendance of the city school district of the city computed in accordance with the provisions of subdivision two of section three thousand six hundred two of the education law on a city-wide school district basis or the resident weighted average daily attendance of each school borough of such city as if each such borough were a separate city school district. In computing the resident weighted average daily attendance of each such borough, all pupils attending schools in such borough shall be deemed to reside in such borough.

2. Insofar as the aid ratio is to be used for the computation of the apportionment for operating expense and the size correction apportionment, such city school district shall be permitted to use either the aid ratio of such city school district computed as provided in subdivision three of such section on a city-wide school district basis or the aid ratio computed as provided in subdivision three of such section for each borough of such city as if each such borough were a separate city school district.

3. Such city school district shall be permitted to use either the growth index computed as provided in subdivision four of such section on a city-wide school district basis or the growth index computed as provided in subdivision four of such section for each borough of such city as if each such borough were a separate city school district.

4. In computing the apportionment for operating expense to the city school district of the city, such city school district shall be permitted to elect to receive the apportionment for operating expense computed in accordance with the provisions of subdivision five of such section on a city-wide school district basis, using the aid ratio and growth index computed on such basis, or to receive the sum of the apportionments for operating expense computed as provided in subdivision five of such section for each borough of such city, as if each such borough were a separate city school district. If such city school district elects to receive the sum of the apportionments for operating expense for each such borough, as if such borough were a separate city school district, such city school district shall file with respect to each borough, the report required by para-

graph a of such subdivision with respect to such city school district's total expenditures from its general fund and from its capital fund during the base year as approved by the commissioner and in accordance with the classification of expenditures in use by the commissioner for the reporting by school districts of receipts, expenditures and other financial data. The amount included in such report for general overhead and administration in each borough shall be such proportion of the amount expended for general overhead and administration for the entire city-wide school district as the weighted average daily attendance of such borough, computed on a borough basis, bears to the weighted average daily attendance of the city-wide school district of such city.

5. In computing the apportionment for size correction to the city school district of the city, such city school district shall be permitted to elect to receive the apportionment for size correction computed in accordance with the provisions of paragraph c of subdivision eight of such section as modified by this section twenty-five hundred ninety–ff on a city-wide school district basis, or to receive the size correction apportionment computed in accordance with the provisions of paragraph c of subdivision eight of such section as modified by this section twenty-five hundred ninety–ff for each borough of such city, taken as if each such borough were a separate city school district.

6. The provisions of this section twenty-five hundred ninety–ff shall apply to apportionments payable in the school year commencing July first, nineteen hundred sixty-seven and in each school year thereafter; provided, however, that such provisions shall not *apply to apportionments payable pursuant to section three thousand six hundred two of this chapter on or before January fifteenth, nineteen hundred sixty-eight.*

§ 2590-gg. Continuity of powers, duties, rights and liabilities. 1. All powers, duties and functions of the board of education which are assigned by the provisions of this chapter to any community board or the central board shall, on and after July first, nineteen hundred seventy, be exercised or performed by such community board or the central board, as the case may be, in continuation of the exercise or performance of such powers, duties and functions by the board of education.

2. (a) Upon the termination of the existence of the board of education under the provisions of section twenty-five hundred ninety–g of this chapter, all then existing rights, privileges, obligations, liabilities, claims and causes of action in favor of or against such board shall devolve upon and be assumed by the central board; provided that nothing contained in this paragraph a shall be construed as impairing, diminishing or affecting the functions, powers and duties vested in community boards by this chapter.

(b) Upon such termination, any provision in any law, rule, regulation, contract, grant or other document relating to any such rights, privileges obligations, liabilities, claims or causes of action and applicable to the board of education shall, so far as not inconsistent with the provisions of this chapter, apply to the central board. The central board shall have power, so far as not inconsistent with the provisions of this chapter, to continue any business, proceeding or other matter commenced by the board of education prior to its termination.

§ 2590-hh. Pending actions and proceedings. 1. No action or proceeding, civil or criminal, brought by or against the board of education and pending at the time of the termination of the existence of such board under the provisions of section twenty-five hundred ninety-g of this chapter, shall be affected or abated by the enactment of the act adding this article to this chapter or by anything contained in such act. All such actions or proceedings may be continued by or against the central board and may be prosecuted or defended by such board.

2. Any disciplinary proceedings against any officer or employee of the board of education pending at the time of the termination of such board may be continued and completed by the central board in the same manner and subject to the same laws, by-laws, rules and regulations and rights of appeal and review as would be applicable if this article had not been enacted.

§ 2590-ii. Short title. This article shall be known and may be cited as the New York city community school system law.

§ 2. The article heading of article fifty-two of such law, such article having been renumbered and such article heading having been amended by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, is hereby amended to read as follows:

CITY SCHOOL DISTRICTS OF CITIES WITH
ONE HUNDRED TWENTY-FIVE THOUSAND *BUT*
LESS THAN ONE MILION INHABITANTS
[OR MORE]

§ 3. Section twenty-five hundred fifty of such law, as added by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, is hereby amended to read as follows:

§ 2550. Application of article. This article shall apply to the city school districts of the following cities only: [New York,] Buffalo, Rochester, Syracuse, Yonkers and Albany.

§ 4. Section twenty-five hundred fifty-one of such law, such section having been renumbered and last amended by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, is hereby amended to read as follows:

§ 2551. Board of education corporate body. The board of education of each school district of a city with one hundred twenty-five thousand *but less than one million* inhabitants [or more] according to the latest federal census is hereby continued as a body corporate.

§ 5. Section twenty-five hundred fifty-two of such law, as last amended by chapter two hundred eighty-one of the laws of nineteen hundred sixty-two, is hereby amended to read as follows:

§ 2552. Board of education. The board of education of each such city school district is hereby continued. The educational affairs in each such city school district shall be under the general management and control of a board of education to consist of not less than three and not more than nine members, to be chosen as hereinafter provided, and to be known as members of the board of education. The number of members on the board of education of each such city school district shall continue to be as follows:

[a. City school district of the city of New York: nine members.]

[b] *a.* City school district of the city of Buffalo: seven members.

[c] *b.* City school district of the city of Rochester: five members.

[d] *c.* City school district of the city of Syracuse: seven members.

[e] *d.* City school district of the city of Yonkers: nine members.

[f] *e.* City school district of the city of Albany: three members.

§ 6. Subdivision one of section twenty-five hundred fifty-three of such law, as last amended by chapter nine hundred seventy-one of the laws of nineteen hundred sixty-one, is hereby amended to read as follows:

1. No person shall be eligible to the office of member of a board of education who is not a citizen of the United States and who[, in the case of the city school districts of the cities of Buffalo, Rochester, Syracuse, Yonkers and Albany,] has not been a resident of the city school district for which he is chosen for a period of at least three years immediately preceding the date of his election or appointment [and who, in the case of the city school district of the city of New York, is not a resident thereof on the date of his appointment].

§ 7. Subdivision five of section twenty-five hundred fifty-three of such law, as renumbered and last amended by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, is hereby amended to read as follows:

5. In the city school districts of the following cities, the terms of such members shall be as follows:

[a. New York: seven years;]

[b] *a.* Buffalo: five years;

[c] *b.* Rochester: four years;

[d] *c.* Syracuse: four years;

[e] *d.* Yonkers: five years;

[f] *e.* Albany: six years.

§ 8. Subdivision six of section twenty-five hundred fifty-three of such law, as renumbered and last amended by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, is hereby amended to read as follows:

6. The term of one-fifth of all the members of a board of education, or of a fraction as close to one-fifth thereof as possible, shall expire annually on the first Tuesday in May, except in the city school districts of the cities of Rochester[,] *and* Syracuse [and New York].

§ 9. Subdivision sixteen-a of section twenty-five hundred fifty-four of such law, as added by chapter six hundred twenty-six of the laws of nineteen hundred sixty-one, is hereby amended to read as follows:

16-a. In its discretion, to provide under a group insurance policy or policies issued by any insurance company or insurance companies authorized to do business in this state or under a group contract issued by one or more corporations subject to article nine-c of the insurance law, life insurance or accident and health insurance benefits or medical and surgical benefits or hospital service benefits or any two or more of such kinds of benefits to teachers and other employees of the school district who participate in a plan or plans, as hereinafter provided. The disbursing officer of the school district is authorized to deduct from the salary of such participant with his prior consent, in writing, the sums representing the participant's share of the premium or premiums which are payable by such officer to such insurance company or corporation. Such board of education is authorized to pay from such moneys as are available for the purpose, a share of the cost of such benefit or benefits in such amount as is required to be paid under such group insurance policy or policies or group contract or contracts by the board of education, as employer. The sum to be paid by the board of education under such policy or policies or contract or contracts, in the discretion of such board may be any percentage of the total cost of the benefit or benefits including the whole thereof.

[Notwithstanding any provisions of this chapter, subdivision thirty-one-a of section one thousand six hundred four, subdivision thirty-four-a of section one thousand seven hundred nine and subdivision ten-a of section two thousand five hundred three of the education law and this subdivision shall not apply to a city having a population of one million or more inhabitants.]

§ 10. Subdivision three of section twenty-five hundred seventy-three of such law, such section having been renumbered by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, is hereby amended to read as follows:

3. Associate superintendents, examiners and all other employees authorized by section twenty-five hundred four of this article, except as otherwise provided in subdivision one of this section, shall be appointed by the board of education. [In a city having a population of one million or more, such appointments shall be made on nomination of the superintendent of schools.

Notwithstanding any other provision in this chapter to the contrary, whenever an associate superintendent of schools in the employ of the board of education in a city having a population of one million or more fails of reappointment, said person shall be immediately appointed an assistant superintendent of schools with permanent appointment as said term permanent appoint is defined in subdivisions four, five and six of this section. The salary of such assistant superintendent shall be less than the salary of an associate superintendent, but said differential in salary shall not exceed ten per centum of the annual salary of an associate superintendent of schools. When, however, an associate superintendent of schools who fails of reappointment has to his credit thirty or more years of city service including ten or more years of service as such associate superintendent of schools, he shall suffer no reduction of salary or of pension prospects while serving as such assistant superintendent of schools.]

§ 11. Subdivision ten of section twenty-five hundred seventy-three of such law, such subdivision having been separately and last amended by chapters seventy-three, four hundred forty-five, four hundred eighty-two and seven hundred sixty-four of the laws of nineteen hundred sixty-seven, is hereby amended to read as follows:

10. [In a city having a population of one million or more, recommendations for appointment to the teaching and supervising service, except for the position of superintendent of schools, associate superintendent or assistant superintendent, or director of a special branch, principal of or teacher in a training school, or principal of a high school, or assistant administrative director, shall be from the first three persons on appropriate eligible lists prepared by the board of examiners.] In a city having a population of four hundred thousand and less than one million it shall be the duty of the superintendent of schools, at the direction of the board of education, to hold examinations whenever necessary, to examine all applicants who are required to have their names placed upon eligible lists for

appointment in the schools of such cities and to prepare all necessary eligible lists. Eligible lists shall not be merged and one eligible list shall be exhausted before nominations are made from a list of subsequent date. No eligible list except principals' eligible list shall remain in force for a longer period than four years, no eligible list now in force shall terminate until four years from the date on which it was promulgated, exept that the eligible list for assistant director of audio visual instruction, promulgated on February first, nineteen hundred sixty-two shall be extended until February first, nineteen hundred sixty-eight and except that the eligible list for supervisor of school library service, promulgated on April tenth, nineteen hundred sixty-three shall be extended until April tenth, nineteen hundred sixty-eight and that the eligible list for teacher of Hebrew in day high schools, promulgated on January ninth, nineteen hundred sixty-three shall be extended until January ninth, nineteen hundred sixty-nine and that the eligible list for assistant director of the Bureau for the Education of the Physically Handicapped (other than visually or acoustically) promulgated on November twenty-eighth, nineteen hundred sixty-two shall be extended until November twenty-eight, nineteen hundred sixty-eight and that the eligible list for supervisor of art in public schools promulgated on October first, nineteen hundred sixty-three shall be extended until October first, nineteen hundred sixty-eight and that the eligible list for teacher of Orchestral Music in day high schools, promulgated on January thirty-first, nineteen hundred sixty-four shall be extended until January thirty-first nineteen hundred sixty-nine and that the eligible list for teacher of music in the day high schools, promulgated on January thirty-first, nineteen hundred sixty-four shall be extended until January thirty-first, nineteen hundred sixty-nine. Recommendations for appointment to the teaching and supervising service except for the position of superintendent of schools, associate superintendent or district superintendent, or director of a special branch, principal of or teacher in a training school, or principal of a high school, or assistant administrative director, shall be from the first three persons on an appropriate eligible list so prepared. The board of education, on the recommendation of the superintendent of schools shall designate, subject to the other provisions of this chapter, the kind and grades of licenses which shall be required for service as principal, branch principal, director, assistant examiner in the board of examiners, supervisors or teacher of a special branch, head of department, assistant, school psychiatrist, school psychologist, school medical inspector, school aurist, school psychiatric social worker, school social case worker, research assistant, teacher-clerk, school clerk, school secretary, clerical assistant, industrial or trade helper in vocational schools, school librarian, laboratory assistant, placement and investigation assistant, financial assistant, machine shop assistant, tool boy, or any other position of the teaching staff together with the academic and professional qualifications required for each kind or grade of license. No person required to have a license under the provisions of this chapter in order to be employed in a position who does not have such license shall have any claim for salary, except that a person who has been assigned to teach in a subject or field not specifically covered in his license but on the same rank or level of service shall be entitled to his salary.

§ 12. Subdivision one of section twenty-five hundred seventy-five of such law, having been last amended by chapter five hundred seventy-six of the laws of nineteen hundred sixty-four, is hereby amended to read as follows:

1. The board of education of a city school district of a city having a population of one hundred thousand or more shall have power to establish a retirement system for all civil employees permanently employed by said board other than superintendents and teachers who may now be retired under the provisions of other retirement laws. In any such city in which there is a bureau of compulsory education, school census, and child welfare established under the provisions of this chapter, all persons of which such a bureau of compulsory education, school census, and child welfare consists shall be members of the retirement system created in accordance with the provisions of this section, provided that any such person who on May fourth, nineteen hundred twenty-six, was a member of another retirement system in such city may continue such membership so long as he or she holds an office or position in such bureau. Transfer of membership of any such persons from another retirement system to a retirement system as herein provided shall be made in accordance with the provisions of section fifty-nine of the civil service law. The board of education of such city shall adopt appropriate rules and regulations for the government, management and control of the retirement of said employees. Before they become effective such rules and regulations must be approved by the board of estimate, or the board of estimate and apportionment in a city having such body, and in a city not having such

body by the common council or such other officers or bodies as have the management and control of financial affairs similar to that exercised by such board of estimate or board of estimate and apportionment. The board of estimate or the board of estimate and apportionment in a city having such body, and in other cities the officers or bodies performing the functions similar to those of a board of estimate or a board of estimate and apportionment shall appropriate annually the sum necessary to pay the expenses of the administration of this section, [except that in the city of New York such appropriations shall be made pursuant to chapter six of the New York city charter,] and also to pay such pensions to the employees herein described as they shall be entitled to receive annually under the rules and regulations prescribed by the board of education and approved by the said board of estimate or board of estimate and apportionment or other authorities. The rules and regulations prescribed by the board of education and approved by the board of estimate or the board of estimate and apportionment or other authorities named herein shall provide for the annual payment of a pension which shall be a per centum of the average annual personal compensation of an employee for the five years of service immediately preceding his retirement.

§ 13. Paragraph b of subdivision one of section twenty-five hundred seventy-six of such law, such section having been renumbered by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, is hereby amended to read as follows:

b. The other necessary incidental and contingent expenses, including ordinary repairs to buildings and the purchase of fuel and light, supplies, textbooks, school apparatus, books, furniture and fixtures and other articles and service necessary for the proper maintenance, operation and support of the schools, libraries and other educational, social or recreational affairs and interests under its management and direction. [The provisions of this section in regard to the purchase of light shall not apply to a city having a population of one million or more.]

§ 14. Subdivision two of section twenty-five hundred fifty-three of such law, such subdivision having been last amended by chapter nine hundred seventy-one of the laws of nineteen hundred sixty-one, subdivisions three, five, six, eight, fourteen, seventeen and twenty-one of section twenty-five hundred fifty-four of such law, and paragraph b of subdivision thirteen and paragraphs b, d and e of subdivision fifteen of such section twenty-five hundred fifty-four, such section having been renumbered by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, such subdivisions three, five and eight having been last amended by chapter five hundred seventy-six of the laws of nineteen hundred sixty-four, such subdivision thirteen having been last amended by chapter six hundred fourteen of the laws of nineteen hundred sixty-two and paragraph e of such subdivision fifteen having been added by chapter five hundred fifty-six of the laws of nineteen hundred fifty-six, section twenty-five hundred fifty-four-b of the education law, such section having been added by chapter nine hundred seventy-one of the laws of nineteen hundred sixty-one and renumbered by chapter eight hundred ninety-two of the laws of nineteen hundred sixty-five, subdivisions five, seven, eight, ten-a, eleven, twelve, and thirteen of section twenty-five hundred fifty-six of the education law, such section having been renumbered by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, such subdivision eight having been last amended by chapter seven hundred sixty-four of the laws of nineteen hundred fifty, such subdivision ten-a having been last amended by chapter seven hundred thirty-eight of the laws of nineteen hundred sixty-seven, such subdivision twelve having been added by chapter two hundred forty-five of the laws of nineteen hundred fifty-five, and such subdivision thirteen having been added by chapter six hundred fifty-one of the laws of nineteen hundred sixty-four, sections twenty-five hundred sixty and twenty-five hundred sixty-one of such law, such sections having been renumbered by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, section twenty-five hundred sixty-four of such law, such section having been added by chapter six hundred fifteen of the laws of nineteen hundred sixty-two, subdivision three of section twenty-five hundred sixty-six of such law, such subdivision having been added by chapter six hundred fourteen of the laws of nineteen hundred sixty-two, sections twenty-five hundred sixty-seven and twenty-five hundred sixty-eight of such law, such sections having been renumbered by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, section twenty-five hundred sixty-nine of such law, as last amended by chapter seven hundred sixty-three of the laws of nineteen hundred sixty-seven, section twenty-five hundred seventy of such law, as last amended by chapter six hundred seventy-four of the laws of nineteen hundred sixty-two, subdivisions seven, eleven, thirteen, fourteen and sixteen of section twenty-five hundred seventy-three of such law, such section having been renumbered by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, such subdivision seven having been last amended by chapter two hundred seventy-two of the laws of nineteen hundred sixty-six, such subdivision eleven having been last amended by chapter seven hundred fifty-eight of the laws of nineteen hundred forty-nine, such subdivision fourteen having been last amended by chapter three hundred ninety-seven of the laws of nineteen hundred sixty-six, and such subdivision sixteen having been added by chapter eight hundred ninety-eight of the laws of nineteen hundred sixty, section twenty-five hundred seventy-four of such law, such section having been renumbered by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, subdivisions two, three, four, five, six, seven, eight and nine of section twenty-five hundred seventy-five of such law, such subdivision three having been added by chapter five hundred eight of the laws of nineteen hundred sixty, such subdivision four having been added by chapter seven hundred eighty-nine of the laws of nineteen hundred sixty-two, such subdivision five having been added by chapter five hundred seventeen of the laws of nineteen hundred sixty-three, such subdivision six having been added by chapter six hundred thirty-five of the laws of nineteen hundred sixty-four, such subdivision seven having been added by chapter three hundred eighty-two of the laws of nineteen hundred sixty-five, such subdivision eight having been added by chapter six hundred eleven of the laws of nineteen hundred sixty-six and such subdivision nine having been added by chapter three hundred seventy-nine of the laws of nineteen hundred sixty-seven, section twenty-five hundred seventy five-a of such law, as last amended by chapter six hundred sixty-six of the laws of nineteen hundred sixty-three, subdivision five of section twenty-five hundred seventy-six of such law, such subdivision having been last amended by chapter five hundred seventy-six of the laws of nineteen hundred sixty-four, subdivision three of section twenty-five hundred seventy-nine of such law, as last amended by chapter five hundred seventy-six of the laws of nineteen hundred sixty-four, section twenty-five hundred eighty-one of such law, as last amended by chapter five hundred eighty-five of the laws of nineteen hundred sixty-six, section twenty-five hundred eighty-two of such law, as renumbered by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, section twenty-five hundred eighty-three of such law, as last amended by chapter five hundred seventy-six of the laws of nineteen hundred sixty-four, subdivision four of section twenty-five hundred eighty-five of such law, such section having been renumbered by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, section twenty-five hundred eighty-six of such law, such section having been renumbered by chapter seven hundred sixty-two of the laws of nineteen fifty, and section twenty-five hundred eighty-seven of such law, as added by chapter four hundred twenty-nine of the laws of nineteen hundred fifty-seven are hereby **repealed.**

§ 14-a. Section twenty-five hundred sixty-nine-a of such law, as last amended by chapter eight hundred ten of the laws of nineteen hundred sixty-seven, is hereby **repealed.**

§ 15. The board of examiners and the positions of members of such board established by section twenty-five hundred sixty-nine of such law, as in effect prior to July first, nineteen hundred seventy, shall cease to exist on such date. All eligible lists established by such board and in existence immediately prior to such date shall terminate on such date.

§ 16. The bureau of compulsory education, school census and child welfare established by section twenty-five hundred seventy of such law, as in effect prior to July first, nineteen hundred seventy, shall cease to exist on such date and the positions of director, assistant director, chief attendance officer and division supervising attendance officer in such bureau shall terminate on such date.

§ 16-a. Members of the board of examiners referred to in section fifteen of his act, who hold such position of member with tenure on June thirtieth, nineteen hundred seventy, and any persons who on such date, hold positions, with tenure, as director of the bureau of compulsory education, school census and child welfare referred to in section sixteen of this act, or assistant director, chief attendance officer or division supervising attendance officer in such bureau, and who, on or before June thirtieth, nineteen hundred seventy, have not been appointed, transferred or assigned to a position with a community board of education or the central board of education of the city of New York, shall be transferred, as of July first, nineteen hundred seventy, to positions with such central board in accordance with the provisions of paragraphs a and b of subdivision seven of section twenty-five hundred ninety-l of such law, as added by this act, with the same rights as to salary, rank, continuation of tenure and seniority, vacation and sick leave credit as are conferred by such subdivision seven on other persons transferred pursuant thereto.

§ 17. (a) Notwithstanding any other provision of law to the contrary, the superintendent of schools of the board of education of the city of New York holding such office on June thirtieth, nineteen hundred seventy pursuant to section twenty-five hundred sixty-five of such law, as in effect on such date, is hereby continued in office as city superintendent of schools of the central board of education of the city of New York, for a term which shall end on the date of expiration of the term for which he was chosen as superintendent of schools of the board of education under such section; provided, however, that such superintendent, while serving as city superintendent of schools pursuant to this paragraph a, shall be subject to removal for cause in the manner in which a city superintendent of schools may be removed by such central board.

(b) Prior to July first, nineteen hundred seventy, the superintendent of schools of such board of education, shall, if requested to do so by the central board of education of such city, also act as city superintendent of schools of such central board for such period of time as the central board shall specify, without additional compensation. The holding of such additional office as city superintendent of schools shall not affect or impair the status, rights and powers of such officer as superintendent of schools of such board of education.

(c) Prior to July first, nineteen hundred seventy, any employee of the board of education possessing the requisite qualifications therefor may, with his consent and upon designation to serve in such capacity by any community board of education of such city, act as community superintendent of schools of such community board, without additional compensation, while performing the duties of his position with the board of education. The acceptance of such designation shall not affect or impair the status, rights and powers of such person as an employee of the board of education.

§ 18. Notwithstanding the repeal of subdivisions three, four, five, six, seven, eight and nine of section twenty-five hundred seventy-five of such law by section fourteen of this act, all resolutions adopted by the board of education of the city of New York and approved by the board of estimate or mayor of such city pursuant to the provisions of such subdivisions for the purpose of amending the provisions governing the retirement system established with respect to such board of education under such section, so as to put into effect pensions-providing-for-increased-take-home-pay plans, shall remain in full force and effect and such repeal shall not impair or affect any rights to benefits or otherwise created by such resolutions with respect to such retirement system.

§ 19. Subdivisions twelve, thirteen and fourteen of section two of such law, as last amended by chapter seven hundred sixty-two of the laws of nineteen hundred fifty, are hereby amended to read as follows:

12. School authorities. The term "school authorities" means the trustees, or board of education, or corresponding officers,

whether one or more, and by whatever name known, of a city, or school district however created. *Each community board of education of the city of New York, shall, with respect to the schools and facilities which it operates and the matters within its jurisdiction, constitute the school authorities of the community district in which it functions. The central board of education of such city shall, with respect to the schools and facilities which it operates and the matters within its jurisdiction, constitute the school authorities of the city school district of such city.*

13. School officer. The term "school officer" means a clerk, collector, or treasurer of any school district; a trustee; a member of a board of education, *community board of education, central board of education* or other body in control of the schools by whatever name known in a union free school district, central school district, central high school district, or in a city; a superintendent of schools; a district superintendent; a supervisor of attendance or attendance officer; or other elective or appointive officer in a school district or city whose duties generally relate to the administration of affairs connected with the public school system.

14. Board of education. The term "board of education" shall include by whatever name known the governing body charged with the general control, management and responsibility of the schools of a union free school district, central school district, central high school district, or of a city, *but such term shall not include a community board of education of the city of New York or the central board of education of such city in any case where*

the inclusion of such board in such term would be inconsistent with the provisions of article fifty-two-A of this chapter or any other provision thereof.

§ 20. Subdivision one of section three hundred six of such law, as last amended by chapter two hundred ninety-eight of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

1. Whenever it shall be proved to his satisfaction that any trustee, member of a board of education, *community board of education or central board of education,* clerk, collector, treasurer, district superintendent, superintendent of schools or other school officer is a member of an organization listed as subversive by the board of regents pursuant to the provisions of section three thousand twenty-two of this chapter, or has been guilty of any wilful violation or neglect of duty under this chapter, or any other act pertaining to common schools or other educational institution participating in state funds, or wilfully disobeying any decision, order, rule or regulation of the regents or of the commissioner of education, said commissioner, after a hearing at which the school officer shall have the right of representation by counsel, may, by an order under his hand and seal, which order shall be recorded in his office, remove such school officer from his office.

§ 21. Section four hundred fifty-one of such law, as added by chapter nine hundred ninety-nine of the laws of nineteen hundred sixty-six, is hereby amended to read as follows:

§ 451. Statement of legislative findings and purposes. There is threatening in the city of New York a serious shortage of elementary and secondary school buildings under the jurisdiction of the *community boards of education and the central board* of education of the city of New York. This shortage is occasioned by the age and obsolescence of many existing school buildings, the large number of new school buildings that are needed in various areas of the city of New York, the scarcity and high cost of available land in the areas where such schools are needed, the typical underutilization of land by elementary and secondary school buildings and the existing limitations on the amount of state and city funds available for the construction of such buildings.

In order to facilitate the timely construction of such school buildings in combination with other compatible and lawful uses, which combination would provide a highly desirable and economic utilization of available land, there should be created a corporate governmental agency of the state, constituting a public benefit corporation, to be known as the "New York city educational construction fund," which could receive and administer moneys for the construction and improvement of elementary and secondary school buildings in the city of New York and whose principal purpose would be the timely and responsive provision of such combined occupancy structures in accordance with the foreseeable needs of the city of New York for additional or replacement elementary and secondary educational facilities and the desirability of facilitating maximum and appropriate utilization of available land. In order to encourage the investment of private capital in such combined occupancy structures and enable the construction of additional school facilities within existing financial limitations through the utilization of incidental revenue produced thereby, the New York city educational construction fund should be empowered, through the issuance of its bonds, notes or other obligations to the private investing public, to obtain a portion of the funds necessary to finance the construction of the school portion of such structures and to apply the revenues received from both the school and non-school persons thereof to the payment of such bonds, notes or other obligations. In furtherance of these purposes, the creation, continued operation and solvency of the New York city educational construction fund, including the maintenance of the capital reserve fund provided for in subdivision one of section four hundred sixty-two of this article, is hereby declared to be a school purpose for which public monies may be appropriated, apportioned and expended.

While responsibility for the educational affairs of the city school district of the city of New York [including the selection of school sites and the design and construction of school facilities] must continue in the *community boards of education and the central* board of education of the city of New York, *as provided for in article fifty-two-A of this chapter, and responsibility for selection of school sites and the design and construction of school facilities must continue in such central board as provided in such article,* title to such sites and the school facilities constructed thereon pursuant to this article should be vested in the fund in order to facilitate the exercise of its powers.

§ 22. Subdivisions one, five, nine, fourteen, eighteen and nineteen of section four hundred fifty-two of such law, as added by chapter nine hundred ninety-nine of the laws of nineteen hundred sixty-six, are hereby amended, respectively, to read as follows:

1. "Board" or "*central* board of education" shall mean the *central* board of education of the city of New York.

5. "Combined occupancy structure" shall mean any improvement on real property or any interests therein or thereto, including fee interests, easements, space rights or air rights, containing school accommodations or other facilities of *a community board of education or* the *central* board of education of the city of New York in combination with other compatible and lawful non-school uses designed and intended to increase, from both a planning and an economic viewpoint, the efficient utilization of available land areas.

9. "Developer" shall mean and include any private individual, partnership, trust or corporation approved by the *central* board of education as being qualified and eligible to enter into one or more leases, subleases or other agreements with the fund providing for the construction, acquisition, reconstruction, rehabilitation or improvement of one or more combined occupancy structures; which agreements shall be subject to approval by the *central* board of education.

14. "Letting agency" shall mean and include the *central* board of education or any other city agency which by agreement with the fund is to award the contracts for a particular construction, reconstruction, rehabilitation or improvement; or the fund itself, if it is to award such contracts.

18. "School building" shall mean a separate structure entirely devoted to use and occupancy by *a community board of education or* the *central* board of education for school purposes, including incidental and appurtenant recreational and other facilities.

19. "School portion" or "school portion of combined occupancy structure" shall mean that portion of a combined occupancy structure designed, constructed, reconstructed, rehabilitated or improved for sole and exclusive use and occupancy by *a community board of education or* the *central* board of education for school purposes; including incidental and appurtenant recreational and other facilities.

§ 23. Subdivision one of section four hundred fifty-three of such law, as added by chapter nine hundred ninety-nine of the laws of nineteen hundred sixty-six, is hereby amended to read as follows:

1. There is hereby created the "New York city educational construction fund." The fund shall be a corporate governmental agency constituting a public benefit corporation. It shall be administered by a board of trustees consisting of the president of the *central* board of education of the city of New York, four members of such board appointed by the president thereof and four members appointed by the mayor of the city of New York. The president of the *central* board of education shall be the chairman of the fund. The chairman and the trustees who are members of the board of education shall serve during their terms of office as president and members, respectively, of the board of education. The members first appointed by the mayor shall serve for terms ending two, three, four and five years, respectively, from the date of their

appointment. Their successors shall serve for terms of five years each.

§ 24. Subdivisions six, seven, eight, ten, eleven, twelve, fourteen, sixteen, twenty, twenty-one and twenty-two of section four hundred fifty-four of such law, as added by chapter nine hundred ninety-nine of the laws of nineteen hundred sixty-six, are hereby amended, respectively, to read as follows:

6. With the approval of the *central* board of education, to purchase, receive, lease or otherwise acquire real and personal property necessary or convenient for its corporate purposes;

7. Subject to the terms and conditions of any lease, sublease or other agreement with the *central* board of education, to possess, hold, use and improve real and personal property acquired by or on behalf of the fund so long as its corporate existence shall continue;

8. Upon a three-fourths vote of the trustees of the fund, and subject to the approval of the *central* board of education, to design, construct, acquire, reconstruct, rehabilitate and improve combined occupancy structures and incidental or appurtenant facilities thereto, or cause such structures and facilities to be designed, constructed, acquired, reconstructed, rehabilitated and improved in accordance with the provisions of this article;

10. Subject to the terms and conditions of any lease, sublease or other agreement with the *central* board of education, to maintain, repair and keep up the real property held by it and all combined occupancy structures and facilities constructed, acquired, reconstructed, rehabilitated or improved pursuant to this article;

11. Subject to the terms and conditions of any lease, sublease or other agreement with third parties and to the determination of the *central* board of education that such real property is unnecessary for the present or for forseeable future school building needs of the city of New York, to surrender to the appropriate city official, for other public use or for sale, lease or other disposition in accordance with law, real property held by the fund for its corporate purposes;

12. Subject to the approval of the corporation counsel as to form, to make and execute contracts, leases, subleases and all other instruments or agreements necessary or convenient for the exercise of its corporate powers and the fulfillment of its corporate purposes under this article; the term of any such lease or sublease or renewal thereof shall not be limited by any provision of any general, special or local law or charter applicable to the city of New York or to the *central* board of education of the city of New York;

14. With the consent of the *central* board of education to use the agents, employees and facilities of the board;

16. To assist generally, the department of real estate of the city of New York in making land surveys, topographical surveys and valuation appraisals of real property sought to be acquired by the *central* board of education of the city of New York;

20. At the request or with the approval of the *central* board of education, to grant, sell, lease or otherwise transfer without public auction or bidding any real property or any rights or interests therein or thereto, including fee interests, easements, space rights or air rights, held by it and occupied or reserved for school pur-

poses and needed therefor, to a private individual or corporation solely and exclusively for the purpose of developing and constructing therein or thereon a combined occupancy structure, or a part or portion thereof, within the meaning of this article subject to a prior and enforseeable agreement approved by the *central* board of education for the reconveyance, retransfer or leaseback of the school portion thereof, upon completion, for use and occupancy by *a community board of education or* the **[**said**]** *central* board of education; provided, however, that no such sale, lease or transfer of lands or rights therein or thereto is authorized where the development of a combined occupancy structure contemplates the erection of nonschool facilities or improvements over an existing school or playground;

21. At the request or with the approval of the *central* board of education, to contract with the owner or other developer of a combined occupancy structure for the purchase or lease of the school portion thereof, upon completion for use and occupancy by *a community board of education or* the *central* board of education of the city of New York;

22. To grant, sell, lease, sublease or otherwise convey the school portion of combined occupancy structures to the city of New York for use and occupancy by *a community board of education or the central* board of education of the city of New York;

§ 25. Section four hundred fifty-five of such law, as added by chapter nine hundred ninety-nine of the laws of nineteen hundred sixty-six, is hereby amended to read as follows:

§ 455. Relationship with the *central* board of education and the city of New York. In order most effectively to carry out its corporate purposes, the fund shall cooperate with the director of the budget and the *central* board of education of the city of New York in matters relating to land acquisition and capital planning for school buildings and facilities. During the course of construction, reconstruction, rehabilitation and improvement of combined occupancy structures the fund shall consult with personnel of such board as the work progresses in matters relating to space requirements, site plans, architectural concept, and substantial changes in the plans and specifications therefor, and in matters relating to the original furnishings, equipment, machinery and apparatus needed to furnish and equip the school portion of such buildings and structures, upon the completion of work. The board, on its part, shall perform such functions and services for the fund as may be requested and the fund shall pay to the board, from any monies of the fund available for such purpose, the reasonable cost of such functions and services.

§ 26. Subdivisions one and two of section four hundred fifty-seven of such law, as added by chapter nine hundred ninety-nine of the laws of nineteen hundred sixty-six, are hereby amended, respectively, to read as follows:

1. (a) No combined occupancy structure shall be acquired, leased, erected, repaired, enlarged or remodeled by the fund until the detailed plans and specifications and cost estimates for the school portion thereof have been submitted to the *central* board of education and its approval has been endorsed thereon.

(b) The *central* board of education shall also review and approve the architectural concept, including an outline of the plans and specifications therefor, of the non-school portion of any combined occupancy structure to be erected, repaired, enlarged or remodeled in accordance with the provisions of any lease or other agreement between the fund and any developer.

2. Notwithstanding any other provision of law applicable to the city school district of the city of New York or the *central* board of education of the city of New York, such district and such board shall only be required to submit an outline of the plans and specifications for a combined occupancy structure, and for the school portion thereof, to the commissioner of education for his information.

§ 27. Subdivisions one, three and four of section four hundred sixty of such law, as added by chapter nine hundred ninety-nine of the laws of nineteen hundred sixty-six, are hereby amended, respectively, to read as follows:

1. An agreement entered into between the fund and the owner or developer of a proposed combined occupancy structure pursuant to section four hundred fifty-four of this chapter shall provide for (i) the construction, acquisition, reconstruction, rehabilitation or improvement of one or more combined occupancy structures, and the purchase or acquisition of the original furnishings, equipment, machinery and apparatus to be used in the school portion of a combined occupancy structure upon completion of the work, (ii) the reconveyance, retransfer or leasing of all or any portion thereof and of the real property or interest therein related thereto, including

real property originally acquired by the *central* board of education in the name of the city of New York, upon the completion of construction, acquisition, reconstruction, rehabilitation or improvement upon such terms and conditions as may be agreed upon, (iii) the leasing or subleasing of such combined occupancy structures and property, or separately of the school and non-school portions thereof, by the fund upon completion for a term not exceeding forty years and upon such terms and conditions including annual rental as may be agreed upon, and (iv) the conveyance to the *central* board of education in the name of the city of New York of title to the school portion of any such combined occupancy structure at the expiration of the term of the lease, or any renewal or extension thereof, or upon earlier payment in full of the total amount specified therein, without additional charge therefor. The *central* board of education shall approve any such agreement and shall be a party thereto.

3. Any lease, sublease or other agreement entered into between the fund and city of New York or the *central* board of education pursuant to section four hundred fifty-four of this chapter shall provide for (i) the construction, acquisition, reconstruction, rehabilitation or improvement of one or more combined occupancy structures and (ii) the leasing or subleasing of the school portion of such structures to the city or the board at an annual cost or rental not in excess of the average annual cost or rental of comparable new public school facilities in the city of New York and for a term not exceeding forty years, and upon such other terms and conditions as may be agreed upon.

4. Every lease, sublease or other agreement executed pursuant to this article shall be subject to the approval of the city commissioner of real estate and the director of the budget with respect to all rentals or other payments to be made thereunder by the city of New York, the *central* board of education or by the owner or developer of a combined occupancy structure and shall contain a clause that any agreement of the city of New York thereunder shall be deemed executory to the extent of the moneys available to the city therefor and no liability on account thereof shall be incurred by the city beyond the moneys available for the purpose thereof.

§ 28. Paragraph c of subdivision one and subdivision two of section four hundred sixty-two of such law, as added by chapter nine hundred ninety-nine of the laws of nineteen hundred sixty-six, are hereby amended, respectively to read as follows:

(c) To assure the continued operation and solvency of the fund for the carrying out of the public purposes of this article, provision is made in paragraph (a) of this subdivision for the accumulation in the capital reserve fund of an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding fiscal year on all bonds of the fund then outstanding. In order further to assure such maintenance of the capital reserve fund, the *central* board of education shall annually request from the city of New York and pay over to the fund, for deposit in the capital reserve fund, such sum, if any, as shall be certified by the chairman of the fund to the board, the mayor and the director of the budget of the city of New York as necessary to restore the capital reserve fund to an amount equal to the maximum amount of principal and interest maturing and becoming due in the next succeeding fiscal year on the bonds of the fund then outstanding; provided, however, that such sum shall have been first appropriated by the city to the board or shall otherwise have been made lawfully available to the board for such purpose. The chairman of the fund shall annually, not later than the fifteenth day of February in each year, make and deliver to the board, the mayor and the director of the budget his certificate stating the amount, if any, required to restore the capital reserve fund to the amount aforesaid and the amount so stated, if any, shall be paid to the fund by the board during the then current fiscal year of the fund. In the event of the failure or inability of the board to pay over the stated amount to the fund on or before August first of the same year, the chairman of the fund shall forthwith make and deliver to the director of finance and the comptroller a further certificate restating the amount so required and, after the comptroller shall have given written notice to the budget director, such amount shall be paid over to the fund by the director of finance on warrant of the comptroller out of the next payment of state aid apportioned to the city of New York on behalf of the city school district of the city of New York for the support of common schools. Any amount so paid over to the fund shall be deducted from the corresponding apportionment of state aid otherwise credited to the [board of education] *city of New York in behalf of the city school district of such city* for [its] the purposes *of the school system of such city* and shall not obligate the state to make or entitle the city or [the board of education] *such city school district or school system* to receive any additional or increased apportionment or payment of state aid for school purposes.

2. The fund may create and establish with the comptroller or with a trustee one or more additional funds or accounts and, subject to agreements with bondholders and noteholders, may pay into such funds or accounts (i) fees and charges collected by the fund, (ii) monies which shall be transferred from the capital reserve fund pursuant to the provisions of paragraph (a) of subdivision one of this section, and (iii) any other monies which may be made available to the fund from any other source or sources. The monies held in or credited to any such reserve fund or account may, in the discretion of the fund but subject to agreements with bondholders and noteholders, be used by the fund (a) for the repayment of advances from the city of New York, (b) to reimburse the *central* board of education of the city of New York the reasonable costs of services performed by the board for the fund pursuant to section four hundred fifty-five of this article, (c) to pay all costs, expenses and charges of financing, including fees and expenses of trustees and paying agents, (d) for transfers to the capital reserve fund, (e) for the payment of principal of and interest on bonds or notes issued by the fund when the same shall become due, whether at maturity or on call for redemption, and for the payment of any redemption premium required to be paid where such bonds or notes are redeemed prior to their stated maturities, and to purchase bonds or notes issued by the fund, (f) for such other corporate purposes as the fund in its discretion shall determine and provide, or (g) for payment to the *central* board of education for school purposes.

§ 29. Subdivision five of section four hundred sixty-five of such law, as added by chapter nine hundred ninety-nine of the laws of nineteen hundred sixty-six, is hereby amended to read as follows:

5. Before declaring the principal of notes or bonds due and payable, the trustee shall first give thirty days' notice in writing to the mayor of the city of New York, to the fund, to the *central* board of education of the city of New York and to the attorney general of the state.

§ 30. Section four hundred sixty-nine of such law, as added by chapter nine hundred ninety-nine of the laws of nineteen hundred sixty-six, is hereby amended to read as follows:

§ 469. Annual report of trustees. The trustees of the fund shall submit to the mayor, the *central* board of education and the city council of the city of New York annually on or before February first, a full report of its activities and operations through the thirtieth day of the preceding September, including: (1) details as to projects in planning, projects in the process of construction, acquisition, reconstruction, rehabilitation or improvement; and projects completed; (2) the performance record of the trustees in completing construction in accordance with the desired completion dates and within the estimated costs; (3) the architects, engineers and other private consultants engaged by the trustees of the fund on a contract basis and a statement of the total amount paid and yet to be paid, or estimated yet to be paid, under each such contract; (4) the moneys made available for the purposes of the fund; (5) details as to any lease, sublease or agreement executed by the trustees of the fund and the annual rentals to be paid or received on account thereof; (6) its assets and liabilities at the end of the fiscal year, including the status of reserve funds and other funds and accounts; (7) a schedule of its bonds and notes outstanding at the end of its fiscal year, together with the amounts redeemed and incurred during such fiscal year, and such other information related to the activities and operation of the fund as the trustees may consider pertinent.

§ 31. Subdivision four of section thirty-one hundred one of such law, as added by chapter seven hundred nineteen of the laws of nineteen hundred fifty-six, is hereby amended to read as follows:

4. "Transfer credit" shall mean the credit given by the school authorities to a teacher for years of service outside the school district. *In any case where service of a teacher with a community board of education of the city of New York or with the central board of education of such city constitutes, under the provisions of section thirty-one hundred six-b of this chapter, service with a school district separate and different from the school district of such city wherein such teacher seeks transfer credit, such service with such separate and different school district shall constitute service outside such district wherein transfer credit is sought.*

§ 32. Section thirty-one hundred six-a of such law, as added by chapter two hundred fifty-nine of the laws of nineteen hundred sixty-three, is hereby amended to read as follows:

§ 3106-a. Minimum salary increases for supervisors in school districts having a population of one million or more. 1. Notwithstanding any other provisions in this article, salary increases henceforth granted to supervisory personnel shall be based upon salary increases henceforth granted to teachers on the maximum of their salary schedules. The maximum of teachers' salary schedules shall be defined as the salary of a teacher at the highest salary level which may be reached by length of service and which includes all differentials and/or increments to which he may be entitled.

The board of education, *each community board of education and the central board of education* shall be required to grant salary increases to supervisory personnel above the grade of teacher, whenever it grants increases to teachers on the maximum of their salary schedules, as follows:

An examiner shall receive a salary increase that is, at least 2.225 times the salary increase given to a teacher on maximum salary as defined in this section. An assistant superintendent shall receive a salary increase that is, at least, 2.15 times the aforesaid teacher increase. A high school principal shall receive a salary increase that is, at least, 2.00 times the aforesaid teacher increase. A junior high school principal shall receive a salary increase that is, at least 1.85 times the aforesaid teacher increase. An elementary school principal shall receive a salary increase that is, at least, 1.70 times the aforesaid teacher increase. A junior principal and a principal of a youth and adult center shall receive a salary increase that is, at least, 1.55 times the aforesaid teacher increase. A chairman of department in high school, administrative assistant, and assistant principal shall receive a salary increase that is, at least, 1.45 times the aforesaid teacher increase.

§ 33. Such law is hereby amended by adding thereto a new section, to be section thirty-one hundred six-b, to read as follows:

§ *3106-b. Administration with respect to New York city community school system. 1. For the purposes of the preceding sections of this article:*

(a) service as an employee of a community board of education of the city of New York shall constitute service with a school district separate and different from any other community school district and from the city school district of such city; and

(b) service as an employee of the central board of education, shall be deemed service with the city school district of such city and shall constitute service with a school district separate and different from any community school district of such city.

2. Action by such central board and by any such community board under such sections shall be subject to the powers of the central board to act exclusively for the school system of the city with respect to collective bargaining and to establish citywide salary schedules pursuant to paragraphs e and f of subdivision two of section twenty-five hundred ninety-h of this chapter; provided, however, that any such action shall comply with the requirements of such sections of this article.

§ 34. Section thirty-one hundred seven of such law, as last amended by chapter seven hundred eighty-four of the laws of nineteen hundred sixty-one, is hereby amended to read as follows:

§ 3107. In cities having a population of one million or more, employees of the board of education*, a community board of education or the central board of education* who are members of the New

York city teachers' retirement system shall be granted sick leave due to personal illness. Such sick leave shall be on the basis of at least ten days for each year of service, cumulative to a maximum of two hundred days. Members shall upon application be granted a retirement leave of absence with full pay consisting of one-half of their accumulated unused sick leave, up to a maximum of one school term or the equivalent number of school days.

Members of the New York city teachers' retirement system who are in the employ of the board of higher education and members of the permanent instructional staff of the board of higher education who are members of any other retirement system shall be eligible for retirement leave on the same basis as employees of the board of education, *a community board of education and the central board of education,* except that such members shall be granted sick leave due to personal illness of twenty days for each year of service cumulative to a maximum of one hundred sixty days. Such members shall upon application to the board of higher education be granted a retirement leave with full pay consisting of one-half of their accumulated unused sick leave, up to a maximum of one semester or the equivalent number of school days.

Members of any retirement system who are members of the permanent instructional staff of any community college in the city of New York shall upon application be granted a retirement leave of absence with full pay consisting of one-half of their accumulated unused sick leave, up to a maximum of one semester or the equivalent number of school days.

Days when school is not in session shall not be counted in the calculation of such retirement leave. When a vacation period intervenes between the end of a retirement leave and the member's retirement date, such vacation period shall be deemed a period of active service for all purposes including compensation.

A retirement leave of absence shall be cancelled when a member on such leave files an application for immediate retirement or files an application for reinstatement to active service, in which event such member shall be deemed to have forfeited the future right to the number of days of retirement leave already taken. In the event that a member on retirement leave applies for a sick leave during the period of such retirement leave, he shall thereupon become entitled to his total accumulated unused sick leave minus the number of school days actually taken as retirement leave, provided however, that such retirement leave, exclusive of sick leave, shall not exceed one school term or semester, or the equivalent number of school days. However, members of the instructional staff of the board of higher education or of the community colleges of the city of New York who are entitled to retirement leave of one semester shall not have the right to start a retirement leave during the course of a semester, nor may any member of the instructional staff of the board of higher education or of the community colleges of the city of New York on retirement leave have the right to be reinstated to active service during the course of a semester.

The extent of such leaves shall be included in the number of years of allowable service for retirement purposes.

The duties of members on retirement leave shall be covered in like manner as when members are absent on sick leave.

Any provision of law inconsistent with this section is hereby deemed superseded.

§ 35. Section thirty-two hundred forty of such law is hereby amended to read as follows:

§ 3240. School census in the cities of New York, Buffalo and Rochester. In *the city of New York, provision shall be made by each community board of education and by the central board of education, with respect to the schools operated by each such board, and in* the cities of [New York,] Buffalo and Rochester provision shall be made by the board of education for taking a school census in connection with the work of enforcing part one of this article.

§ 36. Subdivision one of section thirty-seven hundred thirteen of such law, as added by chapter seven hundred seventy-nine of the laws of nineteen hundred fifty-one, is hereby amended to read as follows:

1. The state, any school district or its trustees or board of education is hereby authorized and empowered to accept the provisions of any law of the United States making appropriations for the purpose of defraying the cost of providing the public education, the cost of planning and constructing public school facilities or any other educational purpose. *Any community board of education of the city of New York, acting in relation to schools, facilities or functions under the jurisdiction of such board, and the central board of education of such city, acting in relation to schools, facilities or functions under the jurisdiction of such board, is hereby authorized and empowered to accept the provisions of any law of the United States making appropriations for any of the*

purposes above mentioned in this subdivision; provided, however, that in any case where the provisions of any such law authorize such central board to apply for, receive and administer any federal funds in relation to schools, facilities or functions under the jurisdiction of a community board of education, the central board is hereby authorized to apply for, receive and administer such funds, and such community board shall not, without the approval of the central board, apply for, receive or administer such funds.

§ 37. Section thirty-eight hundred six of such law is hereby amended to read as follows:

§ 3806. Penalty for failure to render an account or pay over any balance. Every school officer in the city of New York who shall refuse or neglect to render an account or to pay over any balance in his hands at the expiration of his term of office shall for each offense forfeit the sum of fifty dollars, which sum, together with such unpaid balance, shall be sued for and collected by the *central* board of education of such city, which board shall prosecute without delay for the recovery of such forfeiture, together with the unpaid balance; and in case of the death of such school officer suit may be brought against his representatives, and all moneys recovered, after deducting expenses, shall be placed at the disposal of the *central* board of education of such city.

§ 38. Section thirty-eight hundred seven of such law is hereby amended to read as follows:

§ 3807. Penalty for false reports and misapplication of public funds. Every person in the employ of the *central* board of education *or any community board of education* of the city of New York, and every school officer and every officer or teacher of a school or society, who shall wilfully sign a false report to *any* such board of education, shall for each offense forfeit the sum of twenty-five dollars; and every such person or officer who shall wilfully misapply any of the public funds committed to his care shall be deemed guilty of embezzlement.

§ 39. Subdivision three of section thirty-eight hundred thirteen of such law is hereby amended to read as follows:

3. The provisions of this section shall not supersede, alter or affect the provisions of section twenty-five hundred [twelve] *sixty-two or section twenty-five hundred ninety-x* of this chapter.

§ 40. Subdivision one of section forty-four hundred three of such law, such subdivision having been last amended by chapter seven hundred eighty-six of the laws of nineteen hundred sixty-seven, is hereby amended to read as follows:

1. The state education department shall have the power and duty to provide within the limits of the appropriations made therefor, home-teaching, transportation, scholarships in non-residence schools, tuition or maintenance and tuition in elementary, secondary, higher, special and technical schools, for handicapped children in whole or in part from funds of the department, when not otherwise provided by parents, guardians, local authorities or by other sources, public or private. When the family court, or the *central* board of education of the city of New York, shall issue an order to provide for the education, including home-teaching, transportation, scholarships, tuition or maintenance, of any handicapped child the commissioner of education, if he approves such order,

shall issue a certificate to such effect in duplicate, one of which shall be filed with the clerk of the board of supervisors or other governing elective body of the county or chief fiscal officer of a city and one in the office of the commissioner of education.

§ 41. Subdivision three of section forty-five hundred one of such law is hereby amended to read as follows:

3. The provisions of this section shall not apply to the *central* board of education of the city of New York *or to any community board of education of such city.*

§ 42. Section forty-five hundred one of such law is hereby amended by adding thereto a new subdivision, to be subdivision four, to read as follows:

4. The powers and duties vested by the preceding subdivisions of this section in a city school district, acting through the board of education, shall, with respect to the city school district of the city of New York, be vested, on and after July first, nineteen hundred seventy, in the city school district of such city, acting through its central board of education.

§ 43. Section forty-six hundred one of such law is hereby amended by adding thereto a new subdivision, to be subdivision nine, to read as follows:

9. The powers, functions and duties vested by the preceding subdivisions of this section in the board of education of a city or school district shall, with respect to the city of New York and the city school district of such city, be vested in the central board of education of such city.

§ 44. Section forty-six hundred two of such law is hereby amended by adding thereto a new subdivision, to be subdivision nine, to read as follows:

9. The powers, functions and duties vested by the preceding subdivisions of this section in the board of education of a city shall be vested, with respect to the city of New York, in the central board of education of such city.

§ 45. Section forty-six hundred three of such law is hereby amended to read as follows:

§ 4603. Vocational and educational guidance. 1. [The] board of education of each city and of each school district *and the central board of education and any community board of education of the city of New York* may employ one or more qualified persons for the purpose of providing vocational and educational guidance for minors. Such vocational and educational guidance service and the qualifications of the teachers employed for such work shall be approved by the commissioner of education.

2. [The] *Subject to the provisions of subdivisions five and six of this section, the* board of education of each city and of each school district may establish, conduct, and maintain as a part of the public school system a guidance bureau which shall perform such of the following duties as may be determined by such board of education:

a. Providing information and counsel for pupils regarding educational and occupational opportunities.

b. Assembling and maintaining cumulative records of pupils.

c. Providing employment and follow-up service for minors in cooperation with existing public agencies.

d. Conducting research studies of pupils and the local educational and occupational opportunities in cooperation with existing public agencies, including studies of pupils with regard to chronological, psychological and physical status.

e. Assisting in the organization of courses of study dealing with educational and occupational opportunities for use in the schools and in teaching and supervising such courses.

f. Organizing and conducting a counseling service in the schools to assist pupils in the formation of their educational and vocational plans.

3. Such boards of education may employ one or more qualified persons for the purposes specified in this section. When two or more such persons are employed as teachers, counsellors or guidance workers one may be appointed as director or supervisor.

4. The state education department shall employ a supervisor of vocational and educational guidance who shall cooperate with the local school authorities in the development of an adequate program of vocational and educational guidance.

5. The board of education of each city and of each school district having a population of one hundred thousand or more shall establish, conduct and maintain a guidance bureau. *The central board of education of the city of New York shall establish, conduct and maintain such a bureau, subject to the provisions of subdivision six of this section.* The organization and functions of each such bureau shall be determined by the board of education *or central*

board of education, as the case may be, in accordance with the provisions of this section authorizing the establishment of guidance bureaus.

6. The guidance bureau maintained by the central board of education of the city of New York shall be the sole guidance bureau established in the school system of such city and shall perform, with respect to the schools and facilities which such board operates, such of the duties specified in subdivision two of this section as may be determined by such board. At the request of any community board of such city, the central board may cause such bureau to perform any of such duties for such community board. Nothing contained in this subdivision six shall be construed as preventing a community board from exercising the powers specified in subdivision one of this section.

§ 46. Section forty-six hundred four of such law is hereby amended to read as follows:

§ 4604. Practical arts. 1. The board of education of each city and of each school district *and the central board of education and any community board of education of the city of New York* may employ one or more qualified teachers for the purpose of providing instruction for minors in any of the following practical arts subjects.

a. Industrial arts.

b. Household arts.

c. Commercial arts.

d. Agricultural arts.

2. Such boards may establish and maintain non-vocational try-out or exploratory courses in industrial arts, household arts, commercial arts, agricultural arts, music, fine art and applied art.

3. Such practical arts courses and exploratory courses shall be classified as general education courses and the schools which offer such courses shall not designate them as trade, or technical or vocational nor shall any school offering practical arts courses include as a part of its name the words "trade" or "technical" or "vocational", unless such school has actually been registered or approved as a trade, technical or vocational school.

§ 47. Subdivision one of section forty-six hundred five of such law is hereby amended to read as follows:

1. *a.* [The] *Subject to the provisions of paragraph b of this subdivision,* the board of education of each city and school district *and the central board of education and any community board of education of the city of New York* may establish and maintain day and evening schools for adults, the controlling purpose of which shall be to provide a general program of continuing education in all its aspects for the improvement of the civic, vocational and general intelligence of adults and to enable them to make a wise use of their leisure time. Such adult schools may be of the following kinds:

[a] *1.* Citizenship schools providing instruction in English, civics, the common branches and other subjects which may increase the civic and general intelligence of foreign born, illiterate and non-English speaking persons.

[b] *2.* General adult schools providing instruction in approved high school subjects, general cultural subjects, approved vocational subjects, music, dramatic arts, fine applied and industrial arts subjects.

[c] *3.* Recreation and leisure time schools providing instruction in physical education, health education, sports, games, arts and crafts and leisure time activities generally.

b. General adult schools in which instruction in approved high school subjects is given shall not be operated by a community board of education of the city of New York.

§ 48. Section forty-six hundred six of such law, subdivision one thereof having been last amended by chapter four hundred eighteen of the laws of nineteen hundred fifty-six, is hereby amended to read as follows:

§ 4606. Advisory board. 1. *a.* The board of education of each city and of each school district maintaining any kind of vocational school shall appoint an advisory board for vocational and extension education consisting of five members representing the local trades, industries and occupations, except that in a city having a population of one million or more, said advisory board shall consist of seven members, and the state industrial commissioner and the chairman of the workmen's compensation board who shall be ex officio members of such board. In the first instance two of such members shall be appointed for a term of one year. Three of such members shall be appointed for a term of two years. In a city having a population of one million or more, vacancies hereafter occurring on such board shall be filled in such manner that the terms of four members shall expire on the thirty-first day of December in the next even numbered year, and the terms of three members shall expire on the thirty-first day of December in the next odd numbered year. Thereafter as the terms of such members shall expire the vacancies caused thereby shall be filled for a full term of two years. Any other vacancy occurring on such board shall be filled by the appointing power named in this section for the remainder of the unexpired term.

b. On and after July first, nineteen hundred seventy:

(1) the advisory board appointed by the board of education of the city of New York pursuant to the provisions of paragraph a of this subdivision, shall continue as the advisory board of the community school system of such city, and shall be constituted as provided for in this subdivision; and

(2) all functions, powers and duties vested by the provisions of such paragraph a in the board of education of a city shall be performed or exercised, with respect to the city of New York, by such central board.

2. It shall be the duty of [such] *the* advisory board for vocational and extension education *appointed by a board of education* to counsel with and advise the board of education in relation to the powers and duties vested in such board by this article in respect to vocational schools, vocational and educational guidance, practical arts and adult schools. *It shall be the duty of the advisory board appointed for the city of New York to counsel with and advise the central board of education and community boards of education of such city in relation to the respective powers and*

duties vested in such boards by this article with rgeard to such schools, guidance and arts. To accomplish this purpose, *any* such advisory board may:

a. Make, or cause to be made, studies and surveys for the purpose of determining local needs for vocational schools, vocational and educational guidance, practical arts and adult schools.

b. Appoint committees to assist in the work of preparing studies, reports and information [for the board of education] regarding vocational schools, vocational and educational guidance, practical arts and adult schools *for any educational board having jurisdiction as to such schools, guidance or arts.*

c. Promote generally the establishment of vocational schools, programs of guidance, practical arts classes, and adult schools and classes as parts of the local program of public education.

3. The board of education of any city or school district having an advisory board for vocational and extension education may employ a secretary, clerks, stenographers, investigators and research workers and assign them to perform such functions as may be determined by the advisory board. *On and after July first, nineteen hundred seventy, the central board of education of the city of New York may employ such personnel and assign them to perform such functions as may be determined by the advisory board for such city.*

§ 49. Section forty-six hundred seven of such law is hereby amended to read as follows:

§ 4607. Authority and duties of board of education. 1. The board of education of each city and school district maintaining any kind of vocational school, practical arts class, vocational and educational guidance program or adult school has full power and authority:

a. To employ properly certificated directors, supervisors, principals, teachers and counselors and assign them to serve in the schools and classes authorized by this article.

b. To establish approved courses of study.

c. To purchase or acquire sites and grounds and to purchase, acquire, lease or construct and to repair suitable shops and buildings after consultation with the advisory board for vocational and extension education.

d. To purchase necessary machinery, tools, apparatus, books and supplies after consultation with the advisory board for vocational and extension education.

2. The central board of education and any community board of education of the city of New York shall have full power and authority, with respect to any vocational school, practical arts class, vocational and educational guidance program or adult school which any such board is empowered to operate:

a. Subject to the provisions of section twenty-five hundred ninety-l of this chapter, to employ properly certificated directors, supervisors, principals, teachers and counselors and assign them to serve in relation to such schools, classes and programs;

b. To establish approved courses of study;

c. To lease suitable shops and buildings after consultation with the advisory board for vocational and extension education of such city; and *d. To purchase necessary machinery, tools, apparatus, books and supplies after consultation with such advisory board.*

3. On and after July first, nineteen hundred seventy, the central board of education of the city of New York shall have full power and authority, in order to provide facilities for any such school or class conducted by such board or any community board of education of such city, or to effectuate any such program conducted by the central board or any such community board, to purchase or acquire sites and grounds and to purchase, acquire or construct and to repair suitable shops and buildings after consultation with such advisory board of such city.

[2] *4.* The board of education of each city and of each school district maintaining vocational schools, programs of vocational and educational guidance, practical arts classes and adult schools, *and the central board of education and any community board of education of the city of New York, with respect to any such school, class or program which such board conducts,* shall purchase supplies and equipment necessary for the giving of the instruction required by the approved courses of study which they have established. If such a board of education fails or refuses to provide the teachers, supplies and equipment deemed by the commissioner of education to be necessary for the giving of the instruction required by the approved courses of study, he shall withhold from the moneys annually apportioned to the city or district an amount equal to that which such city or district pays in salaries to the teachers of vocational subjects, guidance, practical arts or adult education classes. *If the central board of education or any community board*

of the city of New York shall commit any such failure or make any such refusal, the commissioner shall withhold from the moneys annually apportioned to such city an amount equal to that which such non-complying board pays in salaries to teachers of vocational subjects, guidance, practical arts or adult education classes.

§ 50. Section forty-six hundred eight of such law is hereby amended by adding thereto a new subdivision, to be subdivision eight, to read as follows:

8. a. The functions, powers and duties vested in a school district by the preceding provisions of this section shall be vested, with respect to schools and facilities operated by any community board of education of the city of New York or by the central board of education of such city, in the board operating such schools or facilities; provided, however, that no such community board shall submit to the commissioner an application for the establishment of a program under this section unless such application has been first approved by such central board.

b. The commissioner is hereby authorized to make apportionments, for the purposes and in accordance with the provisions of this section, to any such community board of education with respect to the schools and facilities which it operates and to the central board of education with respect to the schools and facilities which it operates.

§ 51. Sections forty-nine hundred one, forty-nine hundred two and forty-nine hundred three of such law are hereby amended to read, respectively, as follows:

§ 4901. New York nautical school may be established and maintained. The *central* board of education of the city of New York, in its discretion, may provide and maintain a nautical school in such city for the education and training of pupils in the science and practice of navigation; may furnish accommodations for such school and make all needful rules and regulations therefor, and for the number and compensation of instructors and others employed therein; may prescribe the government and discipline thereof and the terms and conditions upon which pupils shall be received and instructed therein and discharged therefrom and provide in all things for the good management of such nautical school. Such board shall have power to purchase the books, apparatus, stationery and other things necessary or expedient to enable such school to be properly and successfully conducted; and may cause such school or the pupils, or part of the pupils thereof, to go on board vessels in the harbor of New York and take cruises in or from such harbor for the purpose of obtaining a practical knowledge in navigation and of the duties of mariners. Such board is hereby authorized to apply to the United States government for the requisite use of vessels and supplies for the purposes above mentioned.

§ 4902. Management. The *central* board of education of the city of New York shall appoint annually at least three of its numbers who, subject to the control, supervision and approbation of the board, shall constitute an executive committee for the care, government and management of such nautical school, under rules and regulations so prescribed, and whose duty it shall be, among other things, to recommend the rules and regulations which they deem necessary and proper for such school.

§ 4903. Chamber of commerce to appoint committee to serve as council. The chamber of commerce of New York is authorized to provide for and appoint a committee of its members to serve as a council of the nautical school, whose duty it shall be, as far as may be, to advise and cooperate with the *central* board of education of the city of New York in the establishment and management of such school and from time to time to visit and examine the same, and to communicate in respect thereof with the *central* board of education or such executive committee thereof, and to make reports to the chamber of commerce which may transmit to the commissioner of education such reports, or any thereof, or an abtract of the same, with such recommendations as may be deemed advisable.

§ 52. Section sixty-two hundred one of such law is hereby amended to read as follows:

§ 6201. Function and membership of board of higher education. The board of higher education in the city of New York is hereby continued. Such board of higher education shall govern and administer that part of the public school system within the city which is of collegiate grade and which leads to academic, technical and professional degrees. Such board shall consist of twenty-one citizens who are residents of the city, who shall be appointed by the mayor. The president of the *central* board of education of such city shall also be a member ex-officio of the board of higher education. There shall be and continue to be upon the board of higher education at least four members from each of the two boroughs of the largest population as determined by the most recent state census, at least one member from the borough of smallest population and at least three members from each of the remaining boroughs. The present members shall continue in office until the end of their respective terms and on or before the first day of June prior to the expiration of the term of office of any member appointed by the mayor the mayor shall appoint his or her successor for a full term of nine years from the first day of July following. The mayor shall fill any vacancy existing in the board of higher education, other than the president of the *central* board of education, by the appointment of a member to hold office for the unexpired term. Each member of the board of higher education appointed by the mayor shall take the oath of office required by the constitution of the state. Any resignation from the board of higher education of a member appointed by the mayor shall be made to the mayor. Any member of the board appointed by the mayor may be removed by the mayor upon proof either of official misconduct or neglect of official duties or of any conduct in any manner connected with his official duties or otherwise which tends to discredit his office, or the school system, or for mental or physical inability to perform his duties, but before such removal he shall receive due and timely notice in writing of the charges and a copy thereof and shall be entitled to a hearing on like notice before the mayor and to the assistance of counsel on such hearing.

§ 53. Subdivision two of section sixty-three hundred two of such law, as added by chapter four hundred twenty-seven of the laws of nineteen hundred fifty-one, is hereby amended to read as follows:

2. In the city of New York, the board of education, *up to and including June thirtieth, nineteen hundred seventy, and on and*

after July first of such year, the central board of education of such city, with the approval of the state university trustees, may act as a local sponsor in the establishment and operation, as a community college, of a post secondary technical vocational training institution which is partly supported by such board [of education] and partly supported by an educational foundation for an industry chartered by the board of regents.

§ 54. Subdivision three of section sixty-three hundred six of such law, as last amended by chapter ninety-six of the laws of nineteen hundred sixty-seven, is hereby amended to read as follows:

3. In the city of New York, upon the establishment of a community college, sponsored by either the board of higher education or, *up to and including June thirtieth, nineteen hundred seventy*, the board of education, *or, on and after July first of such year, the central board of education*, the respective sponsoring board shall be the trustee and shall be vested with the powers of a board of trustees of a community college, or upon the application of the sponsoring board, approved by the state university trustees, the board of trustees of such community college may be appointed and serve in the manner provided by subdivision one of this section; and upon the establishment and continuance of a community college sponsored by the city of New York, the local sponsor may designate the board of higher education *or, up to and including June thirtieth nineteen hundred seventy*, the board of education in that city, *or, on and after July first of such year, the central board of education of such city*, as the trustee to be vested with

the powers of a board of trustees of a community college, or the local sponsor may provide that the board of trustees of such community college shall be appointed and serve in the manner provided by subdivision one of this section. In the event that the board of higher education or the board of education *or the central board of education* serves as the board of trustees of a community college in the city of New York, its powers and duties in relation thereto shall be as prescribed in this article for boards of trustees of community colleges. In the city of New York, the board of higher education and the board of trustees of the fashion institute of technology, respectively, shall under such by-laws as the respective boards deem appropriate provide for the eligibility for sabbatical leaves of absence to members of their permanent instructional staffs provided, however, that when such leaves are for one half year, they shall be at full pay, and when such leaves are for one year, they shall be at half pay.

§ 55. Sections five hundred twenty-one, five hundred twenty-two, five hundred twenty-three, five hundred twenty-four, five hundred twenty-five and five hundred twenty-six of the New York city charter are hereby amended to read as follows:

Property Under [Board of] Education Boards; Care and Control; Suits in Regard Thereto

§ 521. a. The title to all property, real and personal, heretofore or hereafter acquired for school or educational purposes, and also the title to all property, real and personal, purchased for school or educational purposes with any school moneys, whether derived from the issue of bonds or raised by taxation, shall be vested in the city, but under the care and control of the *central* board of education *or a community board of education, as prescribed by article fifty-two-A of the education law,* for the purposes of public education, recreation and other public uses.

b. Suits in relation to such property shall be brought in the name of the board [of education] *having care and control thereof under the provisions of subdivision a of this section, subject to the provisions of subdivision one of section twenty-five hundred ninety-x of the education law.*

c. The city shall have power to take and hold any property, real or personal, devised or bequeathed or transferred to it for the purposes of education in said city; but such property shall be under the care and control of the *central* board of education *or a community board of education, as prescribed by article fifty-two-A of the education law,* for the purposes of public education, recreation and other public uses in the city.

Reports of board

§ 522. The central board of education shall on or before the thirtieth day of November in each year make and transmit to the mayor a report in writing, for the year ending on the thirty-first day of July next preceding, stating, *with respect to the school system of the city,* the whole number of schools under its jurisdiction *and the whole number under the jurisdiction of community boards of education* during the said year; the number of teachers; the total number of pupils on register, and the average attendance at each school; the number of high schools and training schools for teachers, with the number of teachers and the attendance of pupils at each; the corporate schools or societies from which reports have been made to the *central* board of education, the length of time such schools have been kept open, and the number of teachers and of pupils taught in each such school and the total amount of money expended for the purposes of public education in the city during the preceding fiscal year. The *central* board of education shall also make in said reports such suggestions and recommendations relative to the public schools of the city as it may deem proper.

Removal by mayor after hearing

§ 523. Any member of the board of education or of the local school board *or of a community board of education or the central board of education* may be removed by the mayor on proof of official misconduct in office or of negligence in official duties or of conduct in any manner connected with his official duties, or otherwise, which tends to discredit his office or the school system, or for mental or physical inability to perform his duties; but before removal he shall receive notice in writing of the charges and copy thereof, and shall be entitled to a hearing on notice before the mayor and to the assistance of counsel at said hearing.

School Officers Not to Be Interested in Contracts; Removal

§ 524. The board of education, *and on and after July first, nineteen hundred seventy, the central board of education,* shall have the power to remove from office any school officer who shall have been directly or indirectly interested in the furnishing of any supplies or materials, or in the doing of any work or labor, or in the sale or leasing of any real estate, or in any proposal, agreement or contract for any of these purposes, in any case in which the price or consideration is to be paid, in whole or in part, directly or indirectly, out of any school moneys, or who shall have received from any source whatever any commission or compensation in connection with any of the matters aforesaid; and any school officer who shall violate the preceding provisions of this section shall be deemed guilty of a misdemeanor, and shall also forfeit his office and be ineligible to any office or employment under the board of education *or any community board of education, or the central board of education,* or under the city or any agency. The provisions of this section shall not apply to authors of school books used in any of the public schools because of any interest they may have as authors in such books.

Contributions to political funds, etc., prohibited

§ 525. Neither the city superintendent of schools, *nor any community superintendent of schools,* nor any associate or assistant superintendent of schools, nor any member of the board of examiners, nor any member of the supervising or teaching staff of the department of education of the city shall be permitted to contribute any moneys, directly or indirectly, to any fund intended to affect legislation increasing their emoluments, but nothing herein shall be construed to deny any right afforded by section eleven hundred twenty-four.

Powers of Investigation

§ 526. The *central* board of education may investigate, of its own motion or otherwise either in the board or by a committee of its own body, any subject of which *such board or any community* *board of education* has cognizance or over which [it] *either such board* has legal control, including the conduct of any of [its] *the* members or employees [or those] of [any local school] *either such* board; and for the purpose of such investigation, such *central* board or its president, or committee or its chairman, shall have and may exercise all the powers which [a] *the central* board [of education] has or may exercise in the case of a trial under the education law or the civil practice [act] *law and rules.* Any action or determination of a committee appointed under the provisions of this section shall be subject to approval or reversal by the *central* board, which may also modify the determination of the committee in such way as the board shall deem proper and just, and the judgment of the board thereon shall be final.

§ 56. Subdivision four of section eleven hundred six of such charter is hereby amended to read as follows:

(4) As used in this section, the term "agency" shall mean a city, county, borough or other office, position, department, division, bureau, board or commission or other agency of government, the expenses of which are paid in whole or in part from the city treasury, including the board of education, *any community board of education, the central board of education,* the board of higher education, and the board of trustees of a community college. The term "agency" shall also include the New York city transit authority, New York city housing authority and the triboro bridge and tunnel authority, but shall not include any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.

§ 57. Section 93d-1.0 of the administrative code of the city of New York, the opening paragraph thereof having been last amended by chapter one hundred of the laws of nineteen hundred sixty-three, is hereby amended to read as follows:

§ 93d-1.0 Settlement of claims. The comptroller may require any person presenting for settlement an account or claim, except a claim with regard to excise and non-property taxes, for any cause against the city **[**or**]**, the board of education, *the central board of education or a community board of education,* to be sworn before him, any of the deputy comptrollers, or any officer or employee of the comptroller's office or of the law department designated in a written instrument by the comptroller and filed in his office, touching such account or claim, and when so sworn, to answer orally as to any facts relative to the justness of such account or claim. Wilful false swearing before the comptroller, deputy comptroller or officer or employee designated to conduct such oral examination is perjury and punishable as such. In adjusting and settling such claims, the comptroller, as far as practicable, shall be governed by the rules of law and principles of equity which prevail in courts of justice. Claims against the city or against any of the counties contained within its territorial limits, or payable in the first instance from moneys in the city treasury for services rendered or work done or materials or supplies furnished, except:

1. Claims reduced to judgment, or

2. Awards, costs, charges and expenses duly taxed or ordered paid in judicial proceedings, or

3. Claims arising under the provisions of contracts made at public letting in the manner provided by chapter thirteen of the charter and chapter thirteen of the code, or

4. Claims, settled and adjusted by the comptroller, pursuant to the authority of this section, shall not be paid unless an auditor of accounts shall certify that the charges therefor are just and reasonable. Except as hereinbefore otherwise provided, all contracts with the city or any of such counties or with any public officer acting in its or their behalf, shall be subject to audit and revision by the comptroller. The power hereby given to settle and adjust such claims shall not be construed to authorize the comptroller to dispute the amount of any salary established by or under the authority of any officer or department authorized to establish the same, nor to question the due performance of his duties by such officer, except when necessary to prevent fraud. If in any action at law against the city to recover upon a claim not embraced within the exceptions hereinbefore numerically specified, the amount claimed by the plaintiff is in excess of the amount so audited and settled by the comptroller, the plaintiff must establish his claim by competent evidence of value, and no testimony shall be admitted to show a promise or agreement by any officer or employee of the city or of any of the counties contained within its territorial limits, to pay any larger sum than the amount so audited or allowed by the comptroller.

§ 58. Section B20-1.0 of such code is hereby amended by adding thereto two new subdivisions, to be, respectively, subdivisions five-a and five-b, to read as follows:

5-a. "Community board of education" shall mean a community board of education established pursuant to sections twenty-five hundred ninety-b and twenty-five hundred ninety-c of the education law.

5-b. "Central board of education" shall mean the central board of education established pursuant to sections twenty-five hundred ninety-b and twenty-five hundred ninety-g of the education law.

§ 59. Subdivision six of section B20-1.0 of such code is hereby amended to read as follows:

6. "Public school" shall mean any class, school, high school, normal school, training school, vocational school, truant school, parental school, and all schools and classes conducted, *up to and including June thirtieth, nineteen hundred seventy,* under the order and superintendence of the board of education, *and thereafter, under the order and superintendence of a community board of education or the central board of education,* and the schools and classes maintained by the department of welfare or by the department of correction in pursuance of the rules established, *up to and including June thirtieth, nineteen hundred seventy,* by the board of education *and thereafter by the central board of education,* or by the commissioner of welfare or by the commissioner of correction for schools or classes maintained by such commissioners, respectively.

§ 60. Subdivision seven of section B20-1.0 of such code is hereby amended to read as follows:

7. "Teacher" shall mean*:*

(a) the officers or employees hereinafter mentioned in this paragraph a, who were or are appointed by the board of education prior to July first, nineteen hundred seventy, to hold such offices or employments with such board: the superintendent of schools, the associate superintendents, the assistant superintendents, the director and the assistant director of the divisions of reference and research, the director and the assistant directors of the bureau of compulsory education, school census and child welfare, the members of the board of examiners, the directors and the assistant directors of special branches, the supervisor and assistant supervisors of lectures, all principals, vice-principals, assistants-to-principals, heads of departments, and all regular and special teachers of the public day schools of the city, and all employees [of the board of education] appointed to regular positions in the service of the public schools at annual salaries and whose appointments were made or shall be made from eligible lists prepared as a result of examinations held by the board of examiners of the board of education.

(b) All persons appointed by a community board of education or by the central board of education to a regular pedagogical position with any such board, as such position is defined in subdivision twelve of section twenty-five hundred ninety-a of the education law, and all persons assigned or transferred to a regular pedagogical position with any such board pursuant to article fifty-two-A of the education law.

§ 61. Subdivisions one and three and of section B20–6.0 of such code, subdivision one thereof having been last amended by chapter four hundred fifteen of the laws of nineteen hundred sixty-one, are hereby amended to read as follows:

1. The president of the *central* board of education or an authorized representative designated by him, in writing, and filed with the teachers' retirement board.

3. Two members appointed by the mayor, one of whom shall be a member of the *central* board of education; they shall serve until their successors are appointed. Should the *central*-board-of-education member of the retirement board cease to be a member of the *central* board of education, he shall thereupon cease to be a member of the retirement board.

§ 62. Paragraphs a, b, c, d, e, g, h, i, j and k of subdivision four of section B20–6.0 of such code, such paragraphs b, c and d having been last amended by chapter five hundred thirty-eight of the laws of nineteen hundred sixty-four, such paragraphs g, h, i and j having been last amended by chapter ten hundred seventeen of the laws of nineteen hundred sixty-five and such paragraphs k having been last amended by chapter seven hundred eleven of the laws of nineteen hundred forty, are hereby amended to read as follows:

a. Nomination. Candidates for office of teacher-member of the retirement board shall be nominated by petition. The nominating petition must be signed by at least one thousand contributors, each sheet of which petition shall contain

(1) The name and official *community-board-of-education or central*-board-of-education or board-of-higher-education position of the candidate.

(2) The name and official *community-board-of-education or central*-board-of-education or board-of-higher-education position of the contributor who shall be the alternate candidate in the event of

a vacancy caused by the death, disability, disqualification or withdrawal of the candidate occurring prior to the day of the election.

(3) The names of three contributors and the number or name of the school or college and borough in which each is employed to act as tellers for the candidate at the final canvass of returns at the hall of the *central* board of education on the Tuesday following the second Thursday of May.

(4) A statement that the signature or signatures of a contributor which appear on more than one petition or more than once on a specific petition shall be void and shall not be counted on any petition.

(5) A certificate at the bottom by a contributor together with the number or name and borough of his or her school or college that all the signatures to the number of..........appearing on that particular sheet of the petition are bona fide signatures of contributors known to him or her.

Each petition shall bear the signatures of not less than one thousand approving contributors endorsing the candidate, the number or name and borough of the school, the college or the department in which each contributor so endorsing is employed and the date on which each signed.

Contributors shall sign only one petition and the signature or signatures of a contributor which appear on more than one petition or more than once on a specific petition shall be void and shall not be registered or counted on any petition.

b. Filing of petitions. All petitions shall be filed with the *city* superintendent of schools or his authorized representative not later than five o'clock in the afternoon of the last day on which schools are in session preceding April twenty in each year. The date and time of such filing shall be noted on the face of the petition by the *city* superintendent of schools or his authorized representative. Petitions shall be open to public inspection. Each petition shall be accompanied by a written acceptance of the nomination by the candidate named in the petition and by a written statement of the contributor named as alternate candidate, that in the event of the death, disability, disqualification or withdrawal of the candidate prior to the election, he or she will accept the nomination in such a contingency.

In the event of but one candidate being nominated for the office of teacher-member, it shall not be necessary to prepare ballots, official blanks or tally sheets, nor for the members of the retirement association to meet on the second Wednesday of May for the casting of written ballots. The election of the single candidate shall be consummated on the second Wednesday of May by the city superintendent of schools casting one ballot in favor of the candidate.

c. Objections to petitions. If the question of the qualification of any signer of a petition is raised by any contributor by writing to the *city* superintendent of schools, or his authorized representative, the secretary of the teachers' retirement board or his authorized representative, shall certify as to whether or not the signer is a contributor to the teachers' retirement system and entitled to vote in the election of teacher-members of the retirement board.

A written objection to any petition may be filed with the *city* superintendent of schools, or his authorized representative, by any contributor not later than the last day on which schools are in session preceding April twenty-seventh in each year. The *city* superintendent of schools or his authorized representative shall summarily hear and determine such objections under such rules and regulations as he may establish and shall notify in writing both the candidate and the objector of his determination of the objection not later than the first Wednesday in May.

d. Publication of nominations. Not later than the first Wednesday of May in each year, the city superintendent of schools or his authorized representative shall notify each school, annex, and college in which members of the retirement association are employed of the names of all nominees. On receipt of such notice, the principal of the school or annex or in his absence the acting principal, and the president or acting president of a college shall give to each contributor in the school, annex or college a copy of such notice.

e. Form of ballots, etc. The *city* superintendent of schools or his authorized representative shall cause to be prepared the necessary ballots for the election. These ballots shall contain only the names of the candidates and necessary directions for voting. The *city* superintendent of schools shall determine by lot in the presence of each candidate or his duly authorized representative the order of the names of candidates on the ballot.

The *city* superintendent of schools or his authorized representative shall cause to be distributed to each school or voting place not later than the Tuesday preceding the day of the election:

(1) A sufficient number of official ballots.

(2) The official blank form for contributors' signatures.

(3) Blank tally sheets in triplicate.

g. Elections. Procedures for members of the retirement system who are in the employ of [the New York city] *a community board of education or the central* board of education. On the second Wednesday of May, or if the second Wednesday of May falls on a religious or other holiday or if for any reason the schools are closed on that day then on the first school day preceding the second Wednesday of May, in each year, the contributors in each school or annex shall meet in their respective school buildings at three o'clock in the afternoon, or if the administration conditions in any school or annex are such that the meeting ought to be held at some other hours, then at such hour in such school building as shall be designated by the *city* superintendent of schools, after consultation with the principal or person in charge of such school. Such principal or person in charge or his authorized representative shall call the meeting to order, and the contributors present at the meeting shall proceed to elect from their number by written ballot, a chairman and a secretary. The candidate receiving the greatest number of votes in each instance shall be declared elected. The chairman elected shall then appoint from among the contributors at least one teller for each candidate nominated for the position of teacher-member of the retirement board. Such teller shall be an acknowledged supporter of the particular candidate. In no case shall there be less than three tellers. The contributors shall then proceed as follows, to vote by written and secret ballot for teacher-member of the retirement board. Each contributor shall receive a ballot and sign the contributors' list in the presence of the chairman and the tellers. The contributor shall then proceed to mark his ballot in secret. As his name is called each contributor shall then deposit his ballot in the official ballot box provided by the principal or person in charge. Contributors designated as special teachers, supervisors and directors shall vote and sign the contributors' signature blank in the school or voting place nearest to the respective main offices. The *city* superintendent of schools or his authorized representative shall provide voting places for all other contributors not assigned to schools and he shall designate the person or persons who shall be responsible for the proper conduct of the election in each place so provided. If a contributor spoils a ballot he shall return it to the chairman of the meeting. Both the contributor and the chairman of the meeting shall certify on the face of the ballot that the ballot is void. The voided ballot shall then be deposited in the ballot box and thereupon another ballot shall be issued to the contributor. During the period of this meeting there shall be no electioneering or discussions regarding candidates. The chairman of the meeting shall be responsible for the proper conduct of the election. Only contributors to the retirement system may be designated as representatives of the *city* superintendent of schools or principals or heads of schools or department or persons in charge.

Procedure for members of the retirement system who are in the employ of the board of high education of the city of New York. On the second Wednesday of May, or if the second Wednesday of May falls on a religious or other holiday or if for any reason the schools are closed on that day then on the first school day preceding the second Wednesday of May, in each year, the contributors in each college building shall meet in their respective school buildings at nine o'clock in the morning, or if the administration conditions in any college are such that the meeting ought to be held at some other hour, then at such hour in such college building as shall be designated by the *city* superintendent of schools, after consultation with the principal or person in charge of such college. Such principal or person in charge or his authorized representative shall call the meeting to order, and the contributors present at the meeting shall proceed to elect from their number by written ballot, a chairman and a secretary of the balloting. The candidate receiving the greatest number of votes in each instance shall be declared elected. The chairman elected shall then appoint from among the contributors at least one teller for each candidate nominated for the position of teacher-member of the retirement board. Such teller shall be an acknowledged supporter of the particular candidate. In no case shall there be less than three tellers. The chairman shall then announce the opening of the balloting, which shall continue until five o'clock in the afternoon of that day and from nine o'clock in the morning until five o'clock in the afternoon of the next succeeding school day. The contributors shall proceed as follows, to vote by written and secret ballot for teacher-member of the retirement board. Each contributor, regardless of whether he was present at the election of the chairman and the secretary, shall receive a ballot and sign the contributors' list in the presence of at least two tellers at any time during the balloting. The contributor shall then and there proceed to mark his ballot in secret and shall then deposit his ballot in the official ballot box provided by the principal or person in charge. The *city* superintendent of schools or his authorized representative shall provide voting places for all other contributors not assigned to colleges and he shall designate the person or persons who shall be responsible for the proper conduct of the election in each place so provided.

If a contributor spoils a ballot he shall return it to the chairman of the balloting. Both the contributor and the chairman of the balloting shall certify on the face of the ballot that the ballot is void. The voided ballot shall be deposited in the ballot box and thereupon another ballot shall be issued to the contributor.

During the period of this balloting there shall be no electioneering or discussions regarding candidates in the voting place.

The chairman of the balloting shall be responsible for the proper conduct of the election.

Only contributors to the retirement system may be designated as representatives of the *city* superintendent of schools or heads of colleges or department or persons in charge.

h. Returns. Procedure for members of the retirement system who are in the employ of *a community board of education or* the [New York city] *central* board of education. After all the contributors present in the voting place have had an opportunity to vote, the tellers shall publicly open the ballot box, count the ballots, tally and announce the vote for teacher-member of the retirement board. After the votes have been tallied the chairman and secretary and tellers shall prepare and sign the election returns for teacher-member in triplicate. One copy of the election return shall be posted on the official bulletin board of the building in which the voting took place. One copy of the election return shall be forwarded immediately by mail to the *city* superintendent of schools and one copy to the secretary of the retirement board. Then the chairman shall place in the ballot box all the ballots cast, the spoiled ballots, the unused ballots and the contributors' signature list, seal the ballot box and deliver it forthwith to the principal or person in charge of the school building or annex. A receipt shall be given to the person making this delivery. The principal or person in charge of such school building or annex shall retain such sealed box for six months following the date of voting, or until a special election is called to fill a vacancy among the teacher-members as hereinafter provided, whichever occurs first.

Procedure for members of the retirement system who are in the employ of the board of higher education of the city of New York. At five o'clock in the afternoon of each day of the balloting, or as soon thereafter as possible, allowing all contributors who are present at such time to cast their ballots, the tellers shall publicly open the ballot box, count the ballots, tally and announce the vote for teacher-member of the retirement board. After the votes have been tallied the chairman and secretary and tellers shall prepare and sign the election returns for teacher-member for that day in triplicate. There shall be no posting of returns after the first day, but one copy of the election return shall be posted on the official bulletin board of the building in which the voting took place after the second day's balloting has been completed. One copy of the election return for each day shall be forwarded immediately by mail, at the end of each day of balloting, to the *city* superintendent of schools and one copy shall be forwarded by mail, at the same time, to the secretary of the retirement board. At the end of the first day's balloting the chairman shall place in an envelope all the ballots cast during that day, and the spoiled ballots, which envelope shall be sealed and identified as the first day's balloting. The sealed envelope shall be kept in the ballot box, together with the first day's tally sheet and the contributors' signature list. At the end of the second day's balloting, the ballots cast that day, the spoiled ballots, the unused ballots and the contributors' signature list shall be placed in the ballot box, the chairman shall seal the ballot box and deliver it forthwith to the person in charge of the college. A receipt shall be given to the person making this delivery. The person in charge of such college shall retain such sealed ballot box for six months following the date of voting, or until a special election is called to fill a vacancy among the teacher-members as hereinafter provided, whichever occurs first.

i. Counting the vote for teacher-member. At four o'clock in the afternoon of the Tuesday following the third Thursday of May in each year at the hall of the *central* board of education the final canvass of the returns shall be made. Each candidate for election to the office of teacher-member or his duly authorized representative shall be entitled to be present at the final canvass to inspect the election returns and to witness the canvass and summary made of the number of votes cast. The *city* superintendent of schools or his duly authorized representative shall preside at the canvass. The secretary of the retirement board or his duly authorized representative shall be present with all the election returns received at his office from the various schools, colleges and other voting places. No contributor duly authorized by this act shall suffer loss of pay by reason of attendance at this meeting. The tellers designated on the nominating petition, together with the *city* superintendent of schools or his authorized representative shall record and tally the vote cast in the respective schools, school annexes and colleges for each candidate for the office of teacher-member of the teachers' retirement board. The chairman of the meeting shall call for a report of the vote cast in each of the respective schools, school annexes and colleges. If the accuracy of any election return is questioned or if the election return of a voting place is missing, the vote recorded on the copy of the election return filed with the secretary of the retirement board shall be used. The total vote for each candidate as recorded on the election returns from all voting places shall be announced. The candidate receiving the greatest number of votes shall be declared elected and the pension election committee shall so certify and the city superintendent of schools or his authorized representative shall transmit immediately such certification to the retirement board. The newly elected teacher-member shall take office forthwith.

Election returns, tally sheets, and all other records including ballots and contributors' signature lists shall be kept in the custody of the city superintendent of schools for a period of not less than six months after the third Thursday in May or until a vacancy occurs in the office of teacher-member in the retirement board, whichever occurs first.

j. Vacancies. Procedure for members of the retirement system who are in the employ of [the New York city] *a community board of education or the central* board of education. In the event of a vacancy in the office of teacher-member of the retirement board two months or more before the expiration of his or her term, a special election shall be held to elect a teacher-member to complete the unexpired term. Such special election shall be conducted in the same manner as hereinbefore provided for a regular election, except that petitions shall be filed not later than twenty regular school days after the date on which the vacancy occurred, and the election shall be held on the third Wednesday after the closing date for the filing of petitions. Should this day fall on a holiday, the election shall be held on the first Thursday subsequent thereto on which school is in regular session.

Procedure for members of the retirement system who are in the employ of the board of higher education of the city of New York. In the event of a vacancy in the office of teacher-member of the retirement board two months or more before the expiration of his or her term, a special election shall be held to elect a teacher-member to complete the unexpired term. Such special election shall be conducted in the same manner as hereinbefore provided for a regular election, except that petitions shall be filed not later than twenty regular school days after the date on which the vacancy occurred, and the election shall be held on the third Wednesday after the closing date for the filing of petitions and on the school day immediately succeeding it. Should the third Wednesday after said closing date fall on a holiday, the election shall be held on the first Wednesday subsequent thereto on which school is in regular session and on the next succeeding school day.

In the event that such vacancy among the teacher-members of the retirement board occur in June, July, August or during the time in September when schools are not in session such vacancy shall be deemed to have occurred on the first day schools are in session and the same procedure and time allowance for the election shall be followed as herein provided for the election of a teacher-member when the vacancy occurs during the school year.

k. Appeals. The *city* superintendent of schools or his authorized representative shall have jurisdiction to hear and summarily determine any question arising in connection with the nomination or election of a teacher-member of the retirement board as set forth in this act except questions concerning the qualifications of any signer of a petition as to whether or not he or she is a contributor, in which instance the secretary of the teachers' retirement board or his authorized representative shall determine the facts.

§ 63. An act of the legislature of nineteen hundred sixty-eight which amends or repeals or purports to amend or repeal any provision which (a) is a part of article fifty-two of the education law, as in force immediately prior to July first, nineteen hundred seventy, and (b) applies specifically to the city of New York or to any city with a population of one million or more, and (c) is repealed by this act but reenacted in terms or in substance and without significant change in article fifty-two-A of the education law, as added by this act, shall be legally effective notwithstanding the repeal of such provision of article fifty-two by this act, and shall be construed as an amendment or repeal, as the case may be, of the corresponding provision or provisions of such article fifty-two-A, irrespective of whether such provision or provisions are contained in one or more sections, subdivisions or other parts of such article fifty-two-A, and such corresponding provision or provisions shall be deemed and construed to be amended, modified, changed or repealed as though the same had been expressly and in terms so amended, modified, changed or repealed.

§ 64. An act of the legislature of nineteen hundred sixty-eight which amends in whole or in part or adds to or purports to amend in whole or in part or add to any provision which (a) is a part of article fifty-two of the education law, as in effect immediately prior to July first, nineteen hundred seventy, and (b) applies specifically to the city of New York or to any city with a population of one million or more and (c) is repealed by this act and is not reenacted in terms or in substance and without significant change in article fifty-two-A of the education law, as added by this act, shall be and shall be deemed and construed to be superseded by this act as of the effective date, under the terms of this act, of the repeal of such provision by this act.

§ 65. If any provision of this act or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate any other provision of this act or the application thereof to any other person or circumstance and to this end the provisions of this act are hereby declared to be severable.

§ 66. (a) This act shall effect immediately, except as otherwise provided in this section.

(b) Sections twenty-five hundred ninety-n, twenty-five hundred ninety-u, twenty-five hundred ninety-v, twenty-five hundred ninety-w, twenty-five hundred ninety-aa and twenty-five hundred ninety-bb of the education law, as added by section one of this act, shall take effect on July first, nineteen hundred seventy.

(c) Subdivisions one to five, inclusive, of section twenty-five hundred ninety-r of the education law and subdivision five of section twenty-five hundred ninety-z of such law, as added by section one of this act, shall take effect on July first, nineteen hundred seventy.

(d) Sections two to fourteen, inclusive, eighteen, twenty-one to thirty, inclusive, thirty-five, thirty-seven, thirty-eight, forty to forty-five, inclusive, forty-seven, fifty, fifty-one, fifty-two, sixty-one and sixty-two of this act shall take effect on July first, nineteen hundred seventy.

(e) Section fifty of this act shall take effect on July first, nineteen hundred seventy; provided, however, that any community board of education of the city of New York possessing a certificate of full authority issued pursuant to subdivision six of section twenty-five hundred ninety-dd of the education law, as added by this act, and the central board of education of such city, shall have power, prior to such date, to make application to the commissioner of education pursuant to section forty-six hundred eight of the education law, for an apportionment for a school-to-employment program with respect to the school year beginning on such date.

(f) The amendments to section five hundred twenty-six of the New York city charter made by section fifty-five of this act shall take effect on July first, nineteen hundred seventy.

Note.—The provisions of the Education Law proposed to be repealed by sections fourteen and fourteen-a of this act relate specifically to the functions, powers and duties of the board of education of the City of New York and certain other educational affairs in such City, as hereinafter described. These provisions are a part of Article 52 of the Education Law, which presently applies to the functions, powers and duties of boards of education and the administration of the public schools in cities with a population of 125,000 or more, i.e., New York City, Buffalo, Rochester, Syracuse, Albany and Yonkers. This bill would add to the Education Law a new Article 52-A which would decentralize the administration of the New York City school system by (1) providing for the creation of community school districts in which elementary and junior high schools would be operated by community boards of education and (2) replacing the present board of education with a central board of education which would operate the high schools and perform certain other city-wide functions. Under the terms of the bill, the proposed community school system would take over the operation of the schools from the board of education on July 1, 1970, and the teachers and other personnel of the Board of Education would be transferred to the new boards, with a continuation of tenure, salary, and retirement rights.

Accordingly, the bill would (a) amend Article 52 so as to make it inapplicable to the City of New York as of July 1, 1970 (b) repeal, as of such date, the provisions of Article 52 which apply specifically to the administration of education in New York City or cities with a population of one million or more, (c) carry forward into proposed new Article 52-A such repealed provisions, except where inconsistent with the structure and plan of the community school system, and (d) amend various provisions of the Education Law and certain provisions of the New York City Charter and Administrative Code in order to conform such provisions with the terms of proposed new Article 52-A. The bill would abolish the Board of Examiners of the City school system, by repealing Section twenty-five hundred sixty-nine of the education Law, which establishes such board, and would likewise abolish the Bureau of Compulsory Education, School Census and Child Welfare, by repealing Section twenty-five hundred seventy of such law, which provides for the maintenance of such Bureau. Section twenty-five hundred eighty-seven of such law proposed to be repealed by the bill, relates to tenure of employees of Fashion Institute of Technology. These provisions relating to the Institute are carried forward into proposed new Article 52-A.